tion of alcoholic liquors in the Unted States for the duration of the war; to the Committee on the Judiciary.

5815. Also, petition of Mrs. James Mitchell and 120 other citizens of Detroit, Mich., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5816. Also, petition of Elsie L. Goss and 80 other citizens of Santa Ana, Calif., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation f alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5817. Also, petition of 1,061 members of the Woman's Christian Temperance Union of Philadelphia, Pa., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5818. By Mr. LECOMPTE: Petition of Mrs. J. E. Blanke and other citizens of Oskaloosa, New Sharon, University Park, and Fremont, Iowa, in the interest of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

5819. By Mr. PLOESER: Petition of Walter Obermoeller, commander of the American Legion Anheuser-Busch, Inc., Post, No. 299, and approximately 750 petitioners of St. Louis, Mo., protesting against the enactment of any and all prohibition legislation; to the Committee on the Judiciary.

5820. By the SPEAKER: Petition of sundry real estate firms of New York City petitioning consideration of their resolution with reference to the inequalities of the rent-control section of the present Emergency Price Control Act; to the Committee on Banking and Currency.

SENATE

WEDNESDAY, JUNE 7, 1944

(Legislative day of Tuesday, May 9, 1944)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Bernard Braskamp, D. D., pastor of Gunton Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

Almighty God, our Father, who art the supreme ruler of the universe, grant that during this day our minds may be illuminated with the truth and wisdom which cometh from above.

We pray that Thou wilt create within our hearts those desires which Thou dost delight to satisfy and that in all our plans and purposes we may hold our own wishes in suspense until Thou dost declare Thy will. May we daily place our hands in Thine and heed Thy voice saying unto us, "This is the way, walk ye therein," for Thy ways are ways of pleasantness and Thy paths are paths of peace.

We humbly beseech Thee to grant the blessings of Thy presence and power to all who are now battling so courageously for the freedom of the world. May these days of liberation symbolize the coming of that blessed day of prediction when the spirit of man shall be too strong for chains and too large for imprisonment and all men everywhere shall be brought into the glorious liberty of the sons of God.

Hear us in our Redeemer's name. Amen.

THE JOURNAL

On request of Mr. GEORGE, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 6, 1944, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. GEORGE. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore (Mr. JACKSON). The Clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Radcliffe
Ball	Gillette	Reed
Bankhead	Green	Revercomb
Barkley	Guffey	Reynolds
Bilbo	Gurney	Robertson
Brewster	Hatch	Russell
Bridges	Hawkes	Shipstead
Brooks	Hayden	Stewart
Buck	Hill	Taft
Burton	Holman	Thomas, Idaho
Bushfield	Jackson	Thomas, Okla.
Butler	Johnson, Colo.	Truman
Byrd	Kilgore	Tunnell
Capper	La Follette	Tydings
Caraway	Lucas	Vandenberg
Chandler	McClellan	Wagner
Chavez	McFarland	Wallgren
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Mead	Weeks
Danaher	Millikin	Wheeler
Davis	Moore	Wherry
Downey	Murdock	White
Eastland	Murray	Wiley
Ellender	Nye	Willis
Ferguson	O'Daniel	Wilson
George	Overton	

Mr. HILL. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from South Carolina [Mr. MAYBANK], the Senator from Wyoming [Mr. O'MAHONEY], and the Senator from Florida [Mr. PEPPER] are necessarily absent.

The Senators from Nevada [Mr. MCCARRAN and Mr. SCRUGHAM] are absent on official business.

Mr. WHERRY. The following Senators are necessarily absent:

The Senator from Vermont [Mr. AUSTIN], the Senator from North Dakota [Mr. LANGER], and the Senator from New Hampshire [Mr. TOBEY].

The ACTING PRESIDENT pro tempore. Eighty Senators having answered to their names, a quorum is present.

MESSAGE FROM THE HOUSE RECEIVED DURING RECESS

Under authority of the order of the 6th instant,

A message was received from the House of Representatives by the Secretary of the Senate during the last recess informing the Senate that the House had passed the joint resolution (S. J. Res. 133) to extend the time limit for immunity, with an amendment, in which it requested the concurrence of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

PROVISION AFFECTING AN APPROPRIATION FOR ST. ELIZABETHS HOSPITAL (S. DOC. NO. 201)

A communication from the President of the United States transmitting a provision in the form of an amendment to the Budget, relating to St. Elizabeths Hospital, Federal Security Agency, for the fiscal year 1945 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

SUPPLEMENTAL ESTIMATES, DISTRICT OF COLUMBIA (S. DOC. NO. 200)

A communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriations for the District of Columbia, fiscal year 1945, involving an increase of $368,835 in the form of amendments to the Budget for that fiscal year (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PAY STATUS OF CIVILIAN EMPLOYEES SUSPENDED WITHOUT PAY PENDING INVESTIGATION

A letter from the President of the United States Civil Service Commission, transmitting a draft of proposed legislation to establish a uniform policy with respect to the pay status of civilian employees suspended without pay pending investigation (with an accompanying paper); to the Committee on Civil Service.

PERSONNEL CEILINGS, WAR SHIPPING ADMINISTRATION

A letter from the Administrator of the War Shipping Administration, transmitting copy of his letter of June 1, 1944, to the Director of the Bureau of the Budget requesting adjustments in the personnel ceiling of the War Shipping Administration (maritime training fund) (with an accompanying paper); to the Committee on Civil Service.

REPORT RELATING TO THE USE OF TRAILERS BY THE T. V. A.

A letter from the general manager of the Tennessee Valley Authority, submitting, pursuant to law, a report of receipts and expenses in connection with the use of trailers at Murphy and Fontana Dam, N. C., and Camden, Tenn. (with an accompanying report); to the Committee on Appropriations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate by the Acting President pro tempore, and referred as indicated:

A concurrent resolution of the Legislature of Louisiana; to the Committee on Banking and Currency:

"House Concurrent Resolution 13

"Whereas there have appeared recently indications on the part of the Securities and

Exchange Commission of the United States to assume under their jurisdiction the issuing and sale of municipal bonds under the provisions of the Securities and Exchange Act of 1934; and

"Whereas it is our belief that such surveillance by the Securities and Exchange Commission was not intended under the act referred to; and

"Whereas it is necessary for the proper expansion and improvement of States, cities, and other political subdivisions that bonds issued by them should encounter the least amount of difficulty and delay in their issuance; and

"Whereas we feel that the issuance and sale of bonds by States, cities, and other political subdivisions is a right inherent in the States, cities, and other political subdivisions of the States, and should not be subjected to the harassing regulations of any Federal agency; and

"Whereas there has been introduced into Congress, and is now in the hands of committee, a bill by Congressman L. H. BOREN, of Oklahoma, which would amend the Securities and Exchange Act of 1934 and specifically exempt municipal bonds from the jurisdiction of the Securities and Exchange Commission: Therefore be it

"Resolved by the House of Representatives of the Legislature of the State of Louisiana (the Senate of the Legislature of the State of Louisiana concurring), That the Legislature of Louisiana does hereby endorse said Boren bill, H. R. 1502, and urgently recommends to the Representatives and Senators in Congress that they employ their every effort toward effecting its early passage through Congress; be it further

"Resolved, That official copies of this resolution be forwarded by the clerk of the house of representatives to each Senator and Representative of the State of Louisiana in Congress and to the Speaker of the House of Representatives and the President of the Senate of the Congress of the United States."

Petitions of sundry citizens representing various real-estate companies and corporations of New York City, N. Y., praying for amendment of the rent-control section of the Emergency Price Control Act so as to remove alleged inequities therefrom, which were ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. TUNNELL, from the Committee on Claims:

S. 1935. A bill for the relief of Sigurdur Jonsson and Thorolina Thordardottir; without amendment (Rept. No. 954).

By Mr. CLARK of Missouri, from the Committee on Interoceanic Canals:

H. R. 3646. A bill to amend section 42 of title 7 of the Canal Zone Code; with an amendment (Rept. No. 955).

REPORTS ON DISPOSITION OF EXECUTIVE PAPERS

Mr. BARKLEY, from the Joint Select Committee on the Disposition of Executive Papers, to which were referred for examination and recommendation five lists of records transmitted to the Senate by the Archivist of the United States that appeared to have no permanent value or historical interest, submitted reports thereon pursuant to law.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CORDON:

S. 1981. A bill for the relief of the Oregon Caves Resort; to the Committee on Claims.

S. 1982. A bill to reopen the revested Oregon & California Railroad and reconveyed Coos Bay Wagon Road grant lands to exploration, location, entry, and disposition under the general mining laws; to the Committee on Public Lands and Surveys.

By Mr. WHERRY (for himself and Mr. CAPPER):

S. 1983. A bill for the relief of Mrs. Anna Runnebaum; to the Committee on Claims.

By Mr. DOWNEY:

S. 1984. A bill for the relief of Mrs. John A. Schaertzer; to the Committee on Civil Service.

By Mr. BYRD:

S. 1985. A bill to amend an act entitled "An act authorizing the temporary appointment or advancement of certain personnel of the Navy and Marine Corps, and for other purposes," approved July 24, 1941, as amended, and for other purposes; to the Committee on Naval Affairs.

(Mr. CLARK of Missouri (for himself and Mr. LUCAS) introduced Senate bill 1986, which was referred to the Special Committee on Conservation of Wildlife Resources, and appears under a separate heading.)

By Mr. BROOKS:

S. 1987. A bill for the relief of Gordon Lewis Coppage; to the Committee on Claims.

PERMITS FOR THE USE OF LIVE DECOYS IN THE HUNTING OF DUCKS

Mr. CLARK of Missouri. Mr. President, for the Senator from Illinois [Mr. LUCAS] and myself I ask consent to introduce for appropriate reference a bill to provide for the issuance of permits for the use of live decoys in the taking of ducks.

Ducks have increased rapidly in the past 10 years. Nineteen hundred and thirty-three saw an all-time low in their numbers. Twenty-five million ducks were estimated that year to make up the entire population. Since then, through the great refuge system launched by the Senate Committee on Conservation of Wildlife and favorable weather and breeding conditions, the number reached about 150,000,000 last year. With favorable conditions again this year, the southward flight of ducks this fall will probably be around 170,000,000.

Sportsmen feel that the time has come when the drastic regulations imposed during the early years of the past decade should be relaxed.

There should, of course, always be a sufficient margin of safety to preserve the breeding stocks for future years. But the safe annual surplus crop of waterfowl should be reaped as are all other crops.

In certain sections the use of live decoys not only adds exhilaration to the sport but is a necessity if this annual surplus crop is to be reduced to the bag.

As chairman of the Special Senate Committee on Conservation of Wildlife Resources, I, together with the Senator from Illinois [Mr. LUCAS], have introduced a bill which provides for the use of not more than six live decoys in front of any blind. I have done this because I feel that it is in the interest of wise administration of this great outdoor resource.

Recently the State conservation officials of the 11 Western States in their annual convention at Phoenix, Ariz., passed resolutions favoring this proposal. Other conservation groups, clubs, and individuals have done likewise.

Under the provisions of the bill we have introduced, the Secretary of the Interior is directed to issue permits to applicants who desire to use live decoys. Any person guilty of violating any provision of the regulations for taking waterfowl shall have his permit revoked.

The duck hunters, through the purchase of nearly 9,000,000 duck stamps, have provided much of the money used in the development of the refuge program. They feel that the birds are amply protected and that their future is secure. The surplus crop should be harvested each year in order to alleviate the problems of damage to agricultural crops which became aggravated last year in the rice marshes and the wheat fields.

There being no objection, the bill (S. 1986) to provide for the issuance of permits for the use of live decoys in the taking of ducks, introduced by Mr. CLARK of Missouri (for himself and Mr. LUCAS), was read twice by its title and referred to the Special Committee on Conservation of Wildlife Resources.

CHANGE OF REFERENCE

On motion by Mr. ELLENDER, the Committee on Claims was discharged from the further consideration of the bill (H. R. 3976) for the relief of Charles L. Kee, and it was referred to the Committee on Naval Affairs.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS—AMENDMENTS

Mr. BANKHEAD submitted three amendments intended to be proposed by him to the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.), which were severally ordered to lie on the table and to be printed.

HEARINGS BEFORE COMMITTEE ON COMMERCE—LIMIT OF EXPENDITURES

Mr. OVERTON (for Mr. BAILEY) submitted the following resolution (S. Res. 306), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Commerce, authorized by Senate Resolution 9, agreed to January 14, 1943, to send for persons, books, and papers; to administer oaths; and to employ a stenographer, at a cost not exceeding 25 cents per hundred words, to report such hearings as may be had on any subject referred to said committee, hereby is authorized to expend from the contingent fund of the Senate, for the same purposes, during the Seventy-eighth Congress, $5,000 in addition to the amount of $5,000 heretofore authorized.

HISTORY OF THE NAVY FROM 1922 TO 1944 (S. DOC. NO. 202)

Mr. WALSH of Massachusetts. Mr. President, in view of the fact that the United States Government will be confronted with the problem of the kind and size of the Navy following the present World War, it seems to me that a brief history of the deterioration and rejuvenation of the Navy following World War No. 1 would be timely and informative. Accordingly, I have personally prepared a concise history of the Navy from 1922 to 1944 pointing out the

policy of the Government during these years and the steps taken in recent years to rebuild our Navy to its present strength.

This naval history is divided into three parts: 1922–30, the period of decline; 1932–36, the period of awakening; 1936–44, the rebuilding and expansion of the Navy. Subjects considered are the effect on the size of the Navy of the limitation of armaments treaties, the Hepburn report, Guam, and a summary of the expansion legislation from 1938 to the present time.

The information contained in this document should be helpful in determining our naval policy following the present war.

I ask unanimous consent that this brief résumé of our naval history during this period be printed as a Senate document.

The ACTING PRESIDENT pro tempore. Without objection, the résumé presented by the Senator from Massachusetts will be printed as a document.

THE DISEASE OF FALSE LEADERSHIP—ARTICLE BY ERWIN D. CANHAM

Mr. WILEY. Mr. President, in a recent issue of the Christian Science Monitor there appeared a very thought-provoking article under the title "The Disease of False Leadership." It is an article which I recommend to every Senator, indeed, to every person who has the time to read it. It is very short. It goes back to the time of the "Fuehrer-Prinzip," which was launched in Germany by trickery in 1933. It shows what was happening at the same time to our own concept of leadership in America and elsewhere. I feel that it is worthy of being inserted in the RECORD, and I ask that it be printed in the body of the RECORD.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DISEASE OF FALSE LEADERSHIP—DOWN THE MIDDLE OF THE ROAD

(By Erwin D. Canham)

It is time someone spoke out about the facts of present American Presidential politics.

On the one hand is President Roosevelt, finishing his twelfth year in the White House, manifestly weary, confronting the seemingly inevitable nomination for a fourth term. Unprecedented, undreamt of in American history, we are drifting into a situation where the most undesirable consequences may be virtually unavoidable.

On the other hand is the Republican Party, likewise drifting toward the nomination of Governor Dewey in a singularly lukewarm atmosphere during which the candidate himself pretends that the whole situation is a great surprise and mystery to him.

Manifestly, the whole situation reflects inside the United States the same problem of inadequate leadership which is now evident in nearly every country on the globe. Even Mr. Churchill, who probably has as much national enthusiasm behind him as any other leader, possibly excepting Stalin, occasionally falls into a situation—as in his recent praise of Franco—where his own supporters are puzzled and disappointed.

Surveying the world over, country by country, we find grave flaws emerging in leaders—De Gaulle, Mihailovic, Tito, Chiang, Badoglio, Mackenzie King, Vargas. Where is the nation which today enjoys the kind of leadership it really deserves? Where is true leadership manifest? In Stalin, perhaps, we have the most efficient and unquestioned leader, but his is a rule based on a dubious dictatorship about which we know all too little.

Obviously, the world must shake itself soon out of the lethargy which has gripped its leadership. The source of the lethargy is apparent. The totalitarian dictatorships were based on personal rule. The "Führer-Prinzip" was asserted to be the basic truth about men and affairs. Propaganda in behalf of that kind of false leadership was sprayed around the world. It entered people's consciousness. And in reaction against that kind of leadership the democratic nations fell victims to a form of the same mesmerism. They failed to solve, in their own way, the identical problem of leadership.

Meantime, in the United States, the problem drags along and we do little or nothing about it. The forces which are seeking to destroy sound leadership in our land pick off our able men one by one. Wendell Willkie fell victim—even before the Wisconsin primary—to various weaknesses and attacks which sapped and temporarily destroyed his usefulness. Governor Dewey, in his way, has also been ill-advised. Other able Republicans, like Governor Bricker and Commander Stassen, face different but damaging handicaps. We still do not unite behind the leaders we deserve.

What to do about it? First of all, perhaps, we can wake up to the fact that we are being attacked by a kind of leadership disease. To uncover and expose this fact will be a gain in itself. And then, perhaps the second step should be to support rather than tear down what leadership is available. Without admitting the claim that 16 years in the White House is a good or even a supportable thing, we might nevertheless seek to destroy the internal hate and vindictiveness that have been hurled at President Roosevelt, and with the intent of supporting right leadership alone, we might give constructive and united national aid to his problem. And, in both Democratic and Republican Parties, we should combat the suggestion that there are no alternative leaders of adequate stature. We need accept no doctrine of indispensability or personal rule.

But we need to go deeper than that, and think in searching terms of the problem of leadership. The "Führer-Prinzip" was launched into power in Germany by trickery in 1933. What was happening to our own concepts of leadership about that time? Or to Britain's? The United States had just elected a new President after a campaign based largely on "smearing" the President then running for reelection, with peculiarly personal tactics. Britain's political leadership was at a low ebb, and France's was even worse. Obviously, certain forces, in a degree seeds of weakness within ourselves which were not part of our true birthright, were distorting our genuine democratic leadership. To understand these forces and causes will take us a long way toward a solution of the problem of leadership which has become desperately urgent in 1944.

KEYNOTE SPEECH AT SOUTH DAKOTA REPUBLICAN STATE CONVENTION BY SENATOR BUSHFIELD

[Mr. BUSHFIELD asked and obtained leave to have printed in the RECORD the keynote speech delivered by him at the South Dakota Republican State Convention, at Watertown, S. Dak., May 29, 1944, which appears in the Appendix.]

CHRIST AND THE UNITY OF AMERICA—ADDRESS BY REV. DR. JOSEPH B. CODE

[Mr. BUTLER asked and obtained leave to have printed in the RECORD an address entitled "Christ and the Unity of America," by Rev. Dr. Joseph B. Code, Director of the Inter-American Institute, as part of the Pan-American Day celebration sponsored by the National Commission on Inter-American Action, at Philadelphia, Pa., April 22, 1944; which appears in the Appendix.]

THE AMERICAN COTTON INDUSTRY—ADDRESS BY OSCAR JOHNSTON

[Mr. ELLENDER asked and obtained leave to have printed in the RECORD an address on the subject of the American Cotton Industry, delivered by Oscar Johnston, president of the National Cotton Council, at Washington, D. C., June 6, 1944, which appears in the Appendix.]

BRAND NAME MANUFACTURERS FACE A CHALLENGE—ADDRESS BY A. O. BUCKINGHAM

[Mr. MURDOCK asked and obtained leave to have printed in the RECORD an article entitled "Brand Name Manufacturers Face a Challenge," by A. O. Buckingham, vice president of Cluett, Peabody & Co., printed in the Apparel Manufacturers magazine; which appears in the Appendix.]

ADDRESS BY AIME J. FORAND TO POSTAL EMPLOYEES OF BUFFALO, N. Y.

[Mr. MEAD asked and obtained leave to have printed in the RECORD an address delivered by Hon. AIME J. FORAND to the employees of the Buffalo, N. Y., post office, June 4, 1944, which appears in the Appendix.]

THE COAL SITUATION—ARTICLE BY ROBERT M. WEIDENHAMMER

[Mr. MEAD asked and obtained leave to have printed in the RECORD an article entitled "What About Your Coal," by Robert M. Weidenhammer, published in the Indiana Farmer's Guide of June 1, 1944, which appears in the Appendix.]

SOVIET EXPANSIONISM—ARTICLE BY S. STELLING-MICHAUD EDITOR OF JOURNAL DE GENÈVE

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an article entitled "Soviet Expansionism," by S. Stelling-Michaud, editor of the Journal de Genève in the February 2, 1944, issue, which appears in the Appendix.]

POEM BY HORACE C. CARLISLE ON THE PRESIDENT'S PRAYER

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a poem entitled "Our President's Prayer Dismantles Despair" written by Horace C. Carlisle, which appears in the Appendix.]

PROTECTION OF WOMEN AND MINOR WORKERS IN THE DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, there are two emergency measures which have been passed by the House of Representatives which I should like to have considered at this time. The first is House Joint Resolution 242.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. WHITE. I should like to ask the Senator from Mississippi what this proposed legislation is; what is involved in it.

Mr. BILBO. This is a joint resolution which comes from the Minimum Wage and Industrial Safety Board, with a request that there be but one notice published in the press of their rules and regulations enunciated, instead of two,

appearing in the Washington newspapers, in which they have to report almost all their rules and regulations verbatim. The enactment of the joint resolution would result in the Board saving about $2,800.

Mr. WHITE. As I understand, the joint resolution has been reported from the Committee on the District of Columbia, and applies only to the District?

Mr. BILBO. It has been reported favorably from the committee, and has passed the House.

Mr. WHITE. Was the report of the committee unanimous?

Mr. BILBO. Yes.

Mr. BARKLEY. What is the urgency of this matter that makes it necessary to lay aside the pending business in order to get action on it?

Mr. BILBO. I do not think it will take more than a minute, and I have had so many urgent calls in regard to the matter that I wanted it taken care of at once. It will save some money to the Board, which is having a hard time as it is.

Mr. BARKLEY. Very well.

The ACTING PRESIDENT pro tempore. Is there objection to temporarily laying aside the pending business and considering the joint resolution?

There being no objection, the joint resolution (H. J. Res. 242) to amend an act entitled "An act to protect the lives and health and morals of women and minor workers in the District of Columbia," was considered, ordered to a third reading, read the third time, and passed.

AID TO DEPENDENT CHILDREN IN THE DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, the second request I make is that the Senate consider House bill 3236, to provide aid to dependent children in the District of Columbia.

In explanation of the bill, I may state that the Social Security Board has asked the District Commissioners to have the law providing for the care of dependent children amended. The law is satisfactory so far as old people and blind people are concerned, but it does not meet the requirements of the Social Security regulations. House bill 3236 is merely to make it possible to conform with the requirements of the Social Security Board, so that dependent children in the District will not lose their allotments.

Mr. WHITE. Was the report of the committee unanimous?

Mr. BILBO. Yes, and the bill was passed by the House. There is no objection to it anywhere.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill (H. R. 3236) to provide aid to dependent children in the District of Columbia, was considered, ordered to a third reading, read the third time, and passed.

ARMY MOTHERS CLUB OF CLARKSBURG, W. VA.

Mr. REVERCOMB. Mr. President, I desire to call the attention of the Senate to the splendid, patriotic work that is being performed by Post No. 4 of the Army Mothers Club of Clarksburg, W. Va. This club is located on the main line of a railroad running from East to West on which many soldiers, sailors, and marines travel to and from their posts. The members of the club meet all the trains and give cigarettes, and sandwiches and other food to the men in the services. I feel that the fine work they have performed and the great extent of their work deserve the commendation of the Government, and I therefore desire to call the attention of the Senate to the services being rendered by the members of the excellent organization at Clarksburg, W. Va.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 754. An act for the relief of Iver M. Gesteland;

S. 891. An act for the relief of Rebecca Collins and W. W. Collins;

S. 1093. An act for the relief of Fermin Salas;

S. 1102. An act for the relief of Helene Murphy;

S. 1112. An act for the relief of Taylor W. Tonge;

S. 1247. An act for the relief of the Bishopville Milling Co.;

S. 1281. An act for the relief of Rebecca A. Knight and Martha A. Christian;

S. 1305. An act for the relief of Anne Rebecca Lewis and Mary Lewis;

S. 1355. An act for the relief of Robert C. Harris;

S. 1416. An act for the relief of Mrs. Judith H. Sedler, administratrix of the estate of Anthony F. Sedler, deceased;

S. 1553. An act for the relief of J. M. Miller, James W. Williams, and Gilbert Theriot;

S. 1682. An act to provide for the payment of compensation to certain claimants for the taking by the United States of private fishery rights in Pearl Harbor, island of Oahu, Territory of Hawaii; and

S. 1837. An act for the relief of Lt. (Jr. Gr.) Hugh A. Shiels, United States Naval Reserve.

The message also announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 1588. An act for the relief of the legal guardian of Eugene Holcomb, a minor;

S. 1848. An act for the relief of Claude R. Whitlock, and for other purposes; and

S. 1849. An act for the relief of Muskingum Watershed Conservancy District.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4204) making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 5, 8, and 20 to the bill and concurred therein; that the House receded from its disagreement to the amendment of the Senate numbered 21 to the bill and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate numbered 10, 12, and 13 to the bill.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4464) to increase the debt limit of the United States.

The message further announced that the House insisted upon its amendment to the joint resolution (S. J. Res. 133) to extend the time limit for immunity, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. SUMNERS of Texas, Mr. WALTER, and Mr. HANCOCK were appointed managers on the part of the House at the conference.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 262. An act for the relief of Mrs. J. C. Romberg;

H. R. 1040. An act for the relief of Frank Henderson and Frances Nel Henderson, his wife;

H. R. 1318. An act for the relief of Jack V. Dyer;

H. R. 1444. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;

H. R. 1497 An act for the relief of the estate of J. T. Taulbee, deceased, and Mrs. Bertie Leila Parker;

H. R. 1774. An act for the relief of Cyril Doerner;

H. R. 1886. An act for the relief of Charles Fred Smith;

H. R. 2014. An act for the relief of the Winston-Salem Southbound Railway Co.;

H. R. 2066. An act for the relief of A. L. Rinkenberger and John Floering;

H. R. 2151. An act for the relief of Elizabeth Powers Long;

H. R. 2333. An act for the relief of Mrs. Samuel M. McLaughlin;

H. R. 2473. An act for the relief of James Wilson;

H. R. 2511. An act for the relief of P. Audley Whaley;

H. R. 2512. An act for the relief of Betty Robins;

H. R. 2530. An act for the relief of John M. O'Connell;

H. R. 2825. An act for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co.;

H. R. 2845. An act for the relief of John J. Beaton;

H. R. 2873. An act for the relief of Mr. and Mrs. D. F. Still;

H. R. 2896. An act for the relief of Mr. and Mrs. R. L. Rhodes;

H. R. 2903. An act for the relief of the Washington Asphalt Co.;

H. R. 2919. An act for the relief of Michael Eatman, Jr., and Mrs. Michael Eatman, Jr.

H. R. 3101. An act for the relief of George E. O'Loughlin;

H. R. 3152. An act for the relief of Mr. and Mrs. Cicero B. Hunt;

H. R. 3280. An act for the relief of William Dyer;

H. R. 3281. An act for the relief of the estate of Nelson Hawkins;

H. R. 3431. An act for the relief of the Home Insurance Co. of New York;

H. R. 3467. An act for the relief of Miss Anne Watt;

H. R. 3481. An act for the relief of J. William Ingram;

H. R. 3495. An act for the relief of Constantino Arguelles;

H. R. 3539. An act for the relief of the estate of Carlos Pérez Avilés;

H. R. 3548. An act for the relief of Mr. and Mrs. Robert W. Nelson and W. E. Nelson;

H. R. 3549. An act for the relief of Mrs. Emily Reily;
H. R. 3586. An act for the relief of Mrs. John Andrew Godwin;
H. R. 3590. An act for the relief of the city and county of San Francisco;
H. R. 3595. An act for the relief of Robert Futterman;
H. R. 3636. An act for the relief of Josephine Guidoni;
H. R. 3644. An act for the relief of Louis T. Klauder;
H. R. 3659. An act for the relief of Anne Loacker;
H. R. 3813. An act for the relief of J. Ralph Datesman;
H. R. 3841. An act for the relief of Dr. J. D. Whiteside and St. Luke's Hospital;
H. R. 3898. An act for the relief of Frank Gay;
H. R. 4024. An act for the relief of Victoria Cormier;
H. R. 4095. An act confirming the claim of Robert Johnson and other heirs of Monroe Johnson to certain lands in the State of Mississippi, county of Adams;
H. R. 4101. An act for the relief of P. E. Brannen;
H. R. 4107. An act for the relief of the Stiers Brothers Construction Co.;
H. R. 4197. An act for the relief of Mr. and Mrs. John Cushman;
H. R. 4226. An act for the relief of the legal guardian of William L. Owen, a minor;
H. R. 4439. An act for the relief of Dennis C. O'Connell.
H. R. 4458. An act for the relief of J. G. Power and L. D. Power;
H. R. 4528. An act for the relief of L. M. Feller Co. and Wendell C. Graus;
H. R. 4707. An act for the relief of J. Fletcher Lankton and John N. Ziegele; and
H. R. 4712. An act for the relief of John Duncan McDonald.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H. R. 4095. An act confirming the claim of Robert Johnson and other heirs of Monroe Johnson to certain lands in the State of Mississippi, county of Adams; to the Committee on Public Lands and Surveys.
H. R. 262. An act for the relief of Mrs. J. C. Romberg;
H. R. 1040. An act for the relief of Frank Henderson and Frances Nell Henderson, his wife;
H. R. 1318. An act for the relief of Jack V. Dyer;
H. R. 1444. An act for the relief of Mrs. Elizabeth J. Patterson, Joy Patterson, and Roberta Patterson;
H. R. 1497. An act for the relief of the estate of J. T. Taulbee, deceased, and Mrs. Bertie Leila Parker;
H. R. 1774. An act for the relief of Cyril Doerner;
H. R. 1886. An act for the relief of Charles Fred Smith;
H. R. 2014. An act for the relief of the Winston-Salem Southbound Railway Co.;
H. R. 2066. An act for the relief of A. L. Rinkenberger and John Floering;
H. R. 2151. An act for the relief of Elizabeth Powers Long;
H. R. 2333. An act for the relief of Mrs. Samuel M. McLaughlin;
H. R. 2473. An act for the relief of James Wilson;
H. R. 2511. An act for the relief of P. Audley Whaley;
H. R. 2512. An act for the relief of Betty Robins;
H. R. 2530. An act for the relief of John M. O'Connell;
H. R. 2825. An act for the relief of Sigfried Olsen, doing business as Sigfried Olsen Shipping Co.;
H. R. 2845. An act for the relief of John J. Beaton;
H. R. 2873. An act for the relief of Mr. and Mrs. D. F. Still;
H. R. 2896. An act for the relief of Mr. and Mrs. R. L. Rhodes;
H. R. 2903. An act for the relief of the Washington Asphalt Co.;
H. R. 2919. An act for the relief of Michael Eatman, Jr., and Mrs. Michael Eatman, Jr.;
H. R. 3101. An act for the relief of George E. O'Loughlin;
H. R. 3152. An act for the relief of Mr. and Mrs. Cicero B. Hunt;
H. R. 3280. An act for the relief of William Dyer;
H. R. 3281. An act for the relief of the estate of Nelson Hawkins;
H. R. 3431. An act for the relief of the Home Insurance Co. of New York;
H. R. 3467. An act for the relief of Miss Anne Watt;
H. R. 3481. An act for the relief of J. William Ingram;
H. R. 3495. An act for the relief of Constantino Arguelles;
H. R. 3539. An act for the relief of the estate of Carlos Pérez Avilés;
H. R. 3548. An act for the relief of Mr. and Mrs. Robert W. Nelson and W. E. Nelson;
H. R. 3549. An act for the relief of Mrs. Emily Reily;
H. R. 3586. An act for the relief of Mrs. John Andrew Godwin;
H. R. 3590. An act for the relief of the city and county of San Francisco;
H. R. 3595. An act for the relief of Robert Futterman;
H. R. 3636. An act for the relief of Josephine Guidoni;
H. R. 3644. An act for the relief of Louis T. Klauder;
H. R. 3659. An act for the relief of Anne Loacker;
H. R. 3813. An act for the relief of J. Ralph Datesman;
H. R. 3841. An act for the relief of Dr. J. D. Whiteside and St. Luke's Hospital;
H. R. 3898. An act for the relief of Frank Gay;
H. R. 4024. An act for the relief of Victoria Cormier;
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H. R. 4226. An act for the relief of the legal guardian of William L. Owen, a minor;
H. R. 4439. An act for the relief of Dennis C. O'Connell;
H. R. 4458. An act for the relief of J. G. Power and L. D. Power;
H. R. 4528. An act for the relief of L. M. Feller Co. and Wendell C. Graus;
H. R. 4707. An act for the relief of J. Fletcher Lankton and John N. Ziegele; and
H. R. 4712. An act for the relief of John Duncan McDonald; to the Committee on Claims.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.).

The ACTING PRESIDENT pro tempore. The next committee amendment will be stated by the clerk.

The CHIEF CLERK. The next committee amendment is, on page 10, after line 20, to insert the following:

REVIEW OF RATIONING SUSPENSION ORDERS

SEC. 109. Section 205 of such act is amended by adding at the end thereof the following new subsection:

"(g) The district courts shall have exclusive jurisdiction to enjoin or set aside, in whole or in part, orders for suspension of allocations, and orders denying a stay of such suspension, issued by the administrator pursuant to section 2 (a) (2) of the act of June 28, 1940, as amended by the act of May 31, 1941, and title III of the Second War Powers Act, 1942, and under authority conferred upon him pursuant to section 201 (b) of this act. Any action to enjoin or set aside such order shall be brought within 5 days after the service thereof. No suspension order shall take effect within 5 days after it is served, or, if an application for a stay is made to the Administrator within such 5-day period, until the expiration of 5 days after service of an order denying the stay. No interlocutory relief shall be granted against the administrator under this subsection unless the applicant for such relief shall consent, without prejudice, to the entry of an order enjoining him from violations of the regulation or order involved in the suspension proceedings."

Mr. CHANDLER. Mr. President, I should like to call up now an amendment I have offered, and ask that it be considered. I ask that the clerk be directed to read the amendment and the modification thereof. I wish to state to the Senate that the junior Senator from Massachusetts [Mr. WEEKS] is now present. The amendment which he has offered and the amendment which I have offered are almost identical in language. We have joined our forces, and we intend to offer them together.

The ACTING PRESIDENT pro tempore. The amendment to the committee amendment will be stated.

The CHIEF CLERK. On page 10, line 23, it is proposed to strike out "subsection" and insert in lieu thereof "subsections."

On page 11, after line 17, it is proposed to insert the following:

(h) It shall be an adequate defense to any suit or action brought under subsections (b), (e), or (f) (2) of this section if the defendant proves that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation.

(i) Nothing in this section shall be construed to deprive the courts of the power to assess against the defendant the amount of the overcharge.

Mr. CHANDLER. Mr. President, during the debate yesterday I fully explained the amendment, and I do not desire to detain the Senate longer in explanation of it. The Senator from Massachusetts may want to add a word with respect to it, and I yield the floor at this time.

Mr. WEEKS. Mr. President, it appears that the junior Senator from Kentucky [Mr. CHANDLER] and I have offered what I believe to be almost identical amendments. The amendment now pending concerns, and I think it concerns very vitally, every merchant in this country. It provides in effect that those who have violated the act may have their day in court, and that the court may have some discretion in determining whether the case shall be placed on file or whether a penalty shall be invoked.

In my judgment, the necessity for this amendment is the more apparent because of the amendment which has been proposed by the committee, which, as I interpret it, makes it even more mandatory than under the act as it now stands to levy an assessment or a penalty in case of violations. Furthermore, in the amendment offered by the committee, there appear these words:

> If any person selling a commodity violates a regulation * * * and the buyer * * * fails to institute an action under this subsection within 30 days * * * the Administrator may institute such action.

In other words, the committee amendment contains a provision that if the buyer does not institute an action within 30 days, then the Administrator may do so in his stead. I believe that provision opens up the opportunity to bring thousands of actions under this section, whereas under the original act as it presently stands on the statute books, a buyer may often, and I think in 99 cases out of 100 does, register his complaint and then drops the matter without bringing the case into court. So, I say that there is a real need on behalf of the merchants of the United States to provide that the seller of any article may as an adequate defense prove that his act was neither willful nor that he had failed to take practical precautions against the occurrence of the violation.

Mr. MURDOCK. Mr. President, will the Senator yield to me for a question?

Mr. WEEKS. If the Senator will withhold his question until I finish my statement I shall be grateful.

Mr. MURDOCK. Very well.

Mr. WEEKS. In this amendment I think we are not so particularly concerned with those who have violated the act by overcharges in substantial amounts, say $25, $50, or $100. I think we are paricularly concerned here with cases which involve overcharges in pennies. In thousands of stores throughout the country every overcharge which conceivably might be made would be in pennies. It is interesting in this connection to find the following language in the report of the committee, on page 14:

> It is the opinion of the committee that where substantial amounts are involved, the court should be permitted to take into account the circumstances under which the violations occur and to assess something less than treble damages in cases where violations occur unintentionally and despite the exercise of due diligence to prevent them.

I think the committee in its report has readily acquiesced in the point I am attempting to make, but we must be equally concerned here with those overcharges involving only a few cents. When I speak of the seriousness of this proposition to merchants dealing in items involving small amounts, I have in mind that it is reported in a grocery store trade journal that an individual consumer in California went on a shopping tour and shopped more than 1,000 stores, and he found 104 violations in different stores. Those 104 violations enabled him to file charges on each violation, and the penalty which he could not fail to collect under the present law would be $5,200, plus $1,500 for attorneys charges, although the overcharges in the 104 cases totalled all together only $1.92.

Mr. TAFT. Mr. President, will the Senator yield to me for a moment?

Mr. WEEKS. I yield to the Senator from Ohio.

Mr. TAFT. Of course the committee has, in large measure, corrected that, so that under the same circumstances today the total penalty would be $50. In other words, we have eliminated the cumulative feature, which we regard as a very serious fault in the law.

Mr. WEEKS. I think, Mr. President, that the Senator from Ohio perhaps did not quite understand what I said. Every one of these cases was in a different store. So he could sue Jones and Smith and Brown. One hundred and four different stores were included in the total. So in the particular case I have cited, I think the buyer could be awarded, and, in fact, the court would be obligated to award, penalties totaling $5,200.

Mr. TAFT. Mr. President, will the Senator further yield to me?

Mr. WEEKS. I yield.

Mr. TAFT. The Senator cannot assume that the store innocently, in 50 or 100 different places, violated the law, entirely without any fault whatsoever. Frankly, the situation in respect to the $50 penalty is that if we eliminate it, we might just as well eliminate the whole idea of permitting consumers to sue for overcharges. I do not say that idea is an essential feature of the enforcement of this law; but I do say that unless provision is made for the $50 penalty, no consumer possibly can sue for overcharges of a few cents, and no consumer ever will. Not only that, but for each store to be fined $50 for violating the law, even if the violation is an innocent one, does not seem to me to be any particular hardship in a case of that kind. After all, this is a law. If there is no penalty, if there is no incentive to abide by the law, we shall find that hundreds and thousands of storekeepers will take chances. I think perhaps the $50 fine is excessive; but no one can possibly bring a suit for 2 cents, and no one ever will bring a suit for 2 cents. If we insert a provision that the violation must be willful, under those circumstances no one will bring a suit, because no individual will think he can ever successfully collect.

There may be some argument on the basis of eliminating the whole idea of enforcing this act through consumer pressure and consumer suits; but the Senator's amendment and the amendment of the Senator from Kentucky in my opinion would entirely eliminate any consumer suits at all.

Mr. RADCLIFFE. Mr. President, will the Senator yield to me for a moment, if it will not disrupt the development of his presentation?

Mr. WEEKS. I yield.

Mr. RADCLIFFE. The Senator from Massachusetts was not here yesterday when I made the suggestion that we would be willing to reduce the amount from $50 to $25. I shall not press this point during the Senator's time, by discussing the merits of the matter, except to say that the committee made many reductions. So at present, the report of the committee and the committee amendment really provide penalties which are very small, indeed, in comparison with those provided in the existing law.

The only other comment I wish to make now is that it seems to me that if 104 violations were found in a certain city, that would seem to indicate a rather deliberate intention on the part of a great many persons to disregard the law; otherwise, such a condition could not be accounted for.

Mr. WEEKS. Mr. President, inasmuch as I have commenced to yield, I should like to yield now to the Senator from Utah, if he cares to raise his point at this time.

Mr. MURDOCK. I thank the Senator, Mr. President; but I am perfectly willing to wait until he concludes.

Mr. WEEKS. Very well.

Mr. BARKLEY. Mr. President, will the Senator from Massachusetts yield to me for a question?

Mr. WEEKS. I yield to the Senator from Kentucky.

Mr. BARKLEY. The Senator, at the outset of his remarks, said he was not concerned about violations involving overcharges of $25 or $50, but was deeply concerned with the penny cases. The amendment makes no distinction between an overcharge of 1 cent and an overcharge of $100. It seems to me that if an amendment of this kind is to be adopted, it certainly should not apply in cases in which there is an obvious overcharge of an amount which is substantial. I can appreciate the fact that if a man overcharges 4 cents, that is looked upon as chicken feed, so far as the violation of the law and the amount involved are concerned. But there are many cases, possibly thousands of them, in which the overcharges run into dollars—$25, $50, $100, or perhaps more, depending on the article sold.

Does not the Senator from Massachusetts think, and does not my colleague from Kentucky think, some distinction should be made between cases involving substantial amounts of money and the "penny ante" cases about which we have been talking?

Mr. CHANDLER. Mr. President, will the Senator from Massachusetts yield to me for a moment?

Mr. WEEKS. I yield.

Mr. CHANDLER. I think the senior Senator from Kentucky [Mr. BARKLEY] possibly misapprehends what we are undertaking to do. In this amendment we definitely do not want to do anything that will stop the making of the refund, regardless of how large or how small it may be. The overcharge must be paid back. But if an overcharge is made and if a suit is brought, we would give the individual concerned the opportunity to go into court and show, if he can—and we put on him the burden of making the showing—that he did not make the overcharge willfully and did not do it until all reasonable precautions had been taken in his business to avoid the mistake. Regardless of what the overcharge may be, such a man should have a right to make a defense. He is entitled to an opportunity to make his defense, if he

has one. But the authorities will not relent an inch; and they have collected $75 on the basis of a 10-cent overcharge, as I showed yesterday, 750 times the amount of the overcharge; and the overcharge was refunded, too.

All we would do by the amendment would be to permit one of our fellow citizens to go into court and defend himself by offering to the judge evidence to show his good faith and to show that he had undertaken to comply with the law. I do not understand how anyone can fail to support an attempt to provide an opportunity for a man who has a defense to make it.

Mr. WEEKS. Mr. President, I should like to answer the question raised by the senior Senator from Kentucky [Mr. BARKLEY] in this manner: He has said that apparently I have indicated that we are not concerned with overcharges ranging in substantial amounts. What I meant is that here we have an amendment which in itself changes the time-honored precedent that a man is innocent until he is proven guilty. Here we go a little astray from that principle, and we say that the seller in such case, who is the defendant, must prove his innocence, and that an adequate defense is that he was neither willful in making the overcharge nor that he had failed to take practicable precautions against the occurrence of the violation. I say that if a man sells a piece of farm machinery and overcharges by $100, for example, that is almost prima facie evidence that he either willfully violated the law or failed to take the ordinary, prudent precautions which any man in business should take in order to comply with the law.

But I have in mind the case of a particular chain store which has 1,800 separate stores in its organization. In those stores the customers find for sale, for example, several different kinds of canned beans. The ruling is, in most cases, that the ceiling price shall be a percentage mark-up on the cost of the can of beans. When the cost varies between one brand and another, the percentage mark-up will result in different ceiling prices. In merchandising such products, there is the greatest possibility that a mistake will be made, especially under present conditions where there is a continual turn-over of clerks, and where a can of beans, for example, may have been on the shelf for some time, and in marking a change of ceiling prices the clerk may have failed to mark the change on that particular can. There are infinite possibilities for error. The overcharges, however, which particularly concern me in joining with the junior Senator from Kentucky in offering the amendment are overcharges which occur in small and insignificant amounts.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WEEKS. I yield to the Senator from New York.

Mr. WAGNER. We have heard a great deal about overcharges involving rather large amounts, the amount of the overcharge indicating that it was willful. However, I am concerned with a group of low-income people to whom 5 cents means as much as $100 means to someone else. We ought to protect them. If the proposal of the Senator is accepted and goes into the law, how is the small purchaser to prosecute a claim against the president of a large concern? The president of the concern may say, "I knew nothing about this violation. It was done without my knowledge, and therefore I am perfectly innocent in the matter." Under the terms of the amendment, that would defeat the small purchaser. The buyer ought to be permitted to bring an action if an overcharge is made by a chain store or other seller, no matter what the amount may be.

I should like to make a brief statement with reference to something which was said yesterday by the junior Senator from Kentucky [Mr. CHANDLER], who has joined the Senator from Massachusetts [Mr. WEEKS] in offering the amendment. I believe the statement was made that in peacetime such penalties were not assessed without a requirement that the violation be willful. I should like to cite a number of examples of statutes which have been enacted by Congress, in which there is no requirement that the violation be willful.

The first example, involving the recovery of damages, is the Clayton Act. Other such statutes are: The Bituminous Coal Act of 1937; the act relating to the unauthorized use of registered trademarks; the Fair Labor Standards Act, which was enacted after considerable controversy in this body some years ago; the Patent Infringement Act; and the act relating to failure to furnish full telegraphic service as required by the Pacific Railroad Act. In those acts penalties are provided without the requirement that the violation be willful. The mere violation is sufficient to invoke the penalty.

This being wartime, I think we should be anxious to see that price control is maintained. If such provisions for recovery of damages and for civil penalties are effective in peacetime, why should they not be required in wartime?

As examples of laws providing civil penalties, I cite the act relating to exceeding rice marketing quotas; the act with respect to violation of various immigration restrictions; the slave trading act; and the act relating to false or insufficient manifest specifying sea and ship's stores. There are many others. In all of them the mere act itself, without any requirement that the violation be willful, is sufficient to make the violator subject to penalties.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks a statement showing a list of statutes providing for recovery of damages or civil penalties for statutory violation, without a requirement that the violation be willful.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

A. Federal provisions for recovery of damages or civil penalties for stautory violation, without a requirement that the violation be willful.

1. Damage recovery:

(a) Clayton Act (15 U. S. C. 15).

(b) Bituminous Coal Act of 1937 (15 U. S. C. 835d) (expired).

(c) Unauthorized use of registered trademarks (15 U. S. C. 96, 99, 124).

(d) Fair Labor Standards Act (29 U. S. C. 216).

(e) Patent infringement (35 U. S. C. 67, 70).

(f) Failure to furnish full telegraphic service as required by Pacific Railroad Act (45 U. S. C. 83).

2. Civil penalties:

(a) Exceeding rice marketing quotas (7 U. S. C. 1356).

(b) Violation of various immigration restrictions (8 U. S. C. 139, 143, 145, 150, 169, 216).

(c) Slave trading (18 U. S. C. 434).

(d) False or insufficient manifest specifying sea and ship's stores (19 U. S. C. 1432, 1460).

(e) Driving stock to feed on Indian lands (25 U. S. C. 179).

(f) Violation of navigation rules for harbors, rivers and inland waters generally (33 U. S. C. 158, 159).

(g) Failure of postmaster to render proper accounts (39 U. S. C. 44).

(h) Violation of 8-hour-day provision in public contracts (40 U. S. C. 324).

(i) Violation of load line provisions for vessels (46 U. S. C. 85 (g), 88 (g)).

B. Federal provisions for injunctions against statutory violations, without a requirement that the violation be willful.

(1) Fair Labor Standards Act (29 U. S. C. sec. 217).

(2) Interstate Commerce Act (49 U. S. C. sec. 5 (8), 16 (12), 916 (b), 1017 (b)).

(3) Sherman Act (15 U. S. C., sec. 4).

(4) Securities Act of 1933 (15 U. S. C., sec. 77t (b)).

(5) Securities Exchange Act of 1934 (15 U. S. C., sec. 78u (e)).

(6) Investment Companies Act (15 U. S. C., sec. 80a–41).

(7) Investment Advisors Act of 1940 (15 U. S. C., sec. 80b–9).

(8) Federal Power Act (16 U. S. C., sec. 820).

(9) Federal Power Act (16 U. S. C., sec. 825m (a)).

(10) Agricultural Association Act (7 U. S. C., sec. 292).

(11) Agricultural Adjustment Act of 1933 (7 U. S. C., sec. 608a (6)).

(12) Hot Oil Act (15 U. S. C., sec. 715i (a)).

(13) Public Utility Holding Company Act of 1935 (15 U. S. C., sec. 79r (f)).

(14) Federal Alcohol Administration Act (27 U. S. C., sec. 207).

(15) Sugar Act of 1937 (7 U. S. C., sec. 1175).

(16) Natural Gas Act (15 U. S. C., sec. 717u).

(17) Civil Aeronautics Act (49 U. S. C., sec. 647 (a)).

(18) Federal Food, Drug, and Cosmetic Act (21 U. S. C., sec. 332 (a)).

(19) Alteration of Bridges Act (33 U. S. C., sec. 519).

Mr. WEEKS. Mr. President, let me say in reply to the Senator from New York that I am as much interested as is any other Senator in the small purchaser. I am as much interested as is any other Senator in the O. P. A. and what it is doing, which I think is vitally important. I am not attempting in any sense to deprive a purchaser who has been overcharged of his day in court. On the other hand, I am trying to see to it that the merchant—not only the chain-store merchant, but the merchant at the crossroads—every merchant, large or small—has his day in court. In almost any action that I know anything about, criminal or civil, if a judge makes a technical finding of guilty, he may file the case if

he thinks there are extenuating circumstances which warrant such action.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WEEKS. I yield.

Mr. WAGNER. In the case of a criminal penalty, there is already a provision in the law requiring that the violation be willful, before the defendant can be convicted. That is already a part of the criminal procedure. We are now discussing civil penalties.

Mr. WEEKS. I understand that we are discussing civil penalties. The point I wish to make is that in almost every case it is within the discretion of the court, as I understand, to file the case if there are extenuating circumstances. Let me read from a decision rendered by a judge in Kentucky:

> If there is any element of justice, morality, or right in compelling a respectable and honest merchant, such as the defendant in this case, at such a time as the present when experienced clerks are scarce and hard to obtain, to pay a penalty of $50 for an innocent mistake of 10 cents by an inexperienced clerk, in which the employer who is so mulcted had no part whatever, I have failed to discover it.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. WEEKS. I yield.

Mr. WAGNER. In view of the statement which the Senator made in quoting the decision of a Kentucky judge, I should like to quote from the Emergency Court of Appeals, which had before it one of these cases—probably a hardship case. The court said:

> Occasional hardship to one who honestly and intelligently endeavors to comply with the law is not too high a price to pay for the protection of the whole community against inflation.

That is the view which those of us who oppose the amendment take.

Mr. WEEKS. Mr. President, I wish to conclude my remarks with regard to this particular amendment by saying that all I am attempting to do is to provide that a merchant who is not guilty of a willful violation, and a merchant who has not failed to take practicable precautions to conform to ceiling prices which have been established, shall be allowed to prove these points to the satisfaction of the court and that the court shall have discretion as to whether he shall or shall not assess a penalty. It is no light matter for a merchant, large or small, to be hauled into court and fined $50 or $75. The amount is not important. The fact is that he is held up to the scorn and opprobrium of the public as having been a chiseler and a violator of the law, I believe that thousands of merchants, large and small, all over the country, are entitled to have their day in court, and that where there are extenuating circumstances the court should, under the law, be given some discretion as to whether a penalty should or should not be invoked.

Mr. MALONEY. Mr. President, I am very hopeful that the amendment offered by the distinguished Senator from Kentucky [Mr. CHANDLER] and the distinguished Senator from Massachusetts [Mr. WEEKS] will not prevail. We are engaged in a discussion of a wartime measure. If we were not at war there would probably be no O. P. A. or price stabilization.

The Office of Price Administration has been functioning for a long time with outstanding success. Every Member of the Senate admits, and quite generally throughout the country there is an admission, that the O. P. A. is under the guidance of conscientious, capable, and able men.

The particular question before the Senate is one which has had very careful consideration, for a long period of time, by the Office of Price Administration, as well as by the Banking and Currency Committees of both Houses of Congress. The Office of Price Administration, and particularly the feature of the law now under discussion, were established with the intent to protect the consuming public consisting of approximately 100,000,000 American purchasers.

All of us know—we admit with regret—that there are those who willfully violate regulations of the Office of Price Administration. Every Senator knows that it would be almost impossible to attempt to police the regulations of the O. P. A. with paid governmental employees alone. So the O. P. A. very wisely, it seems to me, has solicited the help of the American people in policing its program. It was with that in mind that this law was adopted. In order that the American people could contribute to their own protection this language was written into the statute.

Mr. President, if we undertake to say that the man who is not willfully guilty of a violation of the law should not be penalized we might as well dispense with policing by the method which has been provided. Suits would not be brought. Persons engaged in business would in many instances become more or less careless. The American people and the O. P. A. program would suffer. All of us know about the black markets. Black markets exist because the policing power is not strong enough, and because there are not a sufficient number of men to discover or apprehend those who violate the law.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. WEEKS. Am I to understand the Senator from Connecticut to say that suits would not be brought, and does he have the thought that the people have so little confidence in the courts that they would not bring suits because they would know that we had written into the law that the court had discretion?

Mr. MALONEY. That is exactly what I said, and that is exactly what I meant.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. BARKLEY. The amendment which is pending goes much further than giving to the court discretion. As an absolute defense on the part of the defendant in any proceeding, he would have to prove that he either did not willfully commit the violation, or that he had taken all necessary precautions in order to avoid a violation. The court would have no discretion if the defendant should make such proof. The court would have to dismiss the case, no matter what the proceeding might be.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. CHANDLER. We would put the burden of proof on the defendant. The burden of proof would not be upon the Government, but upon the defendant. The court would listen to the proof, and would know upon whom was the burden of proof, and it could determine whether the defendant had proved he was not a willful violator, or had proved that he had taken all ordinary precautions. What objection would there be to that? Why should not a man have an opportunity to prove his case? To deprive him of such opportunity would be to take away from him whatever right he has in the world.

Mr. WEEKS. Mr. President, will the Senator further yield to me?

Mr. MALONEY. I yield.

Mr. WEEKS. We do not even say that the defendant is innocent until he is proved guilty. We say he must prove, as a part of his defense, that he has not been willful in his violation, and that he has taken all practicable precautions to prevent the violation.

Mr. MALONEY. Mr. President, in my judgment the Senator would create a very complicated situation if a distinguished merchant in a community should appear before the court and say in effect, "I did not know about it, Your Honor. I missed that regulation. The regulations, as Your Honor knows, are complicated. I did not have time to study them. I was engaged in war work. I was serving on a bond selling committee. I have a new clerk and he did not understand the regulations." I do not wish any judge to be placed in the position of having to condemn a man for his oversight or carelessness. I assert that the incentive of the merchant to make himself familiar with the regulations will be destroyed if this amendment is adopted.

Mr. MURDOCK. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. MURDOCK. I wish to make an observation with which I believe every lawyer in the Senate will agree.

Under the amendment of the distinguished Senator from Massachusetts [Mr. WEEKS], and the distinguished Senator from Kentucky [Mr. CHANDLER], there would be placed upon the defendant the burden of moving forward with evidence that the violation was not a willful one, and also that the defendant had not failed to take practicable precautions. But once the evidence had gone forward, regardless of how convincing it was, a prima facie defense would be made, and would have to be overcome. The burden of overcoming the prima facie case would then be transferred to the plaintiff. So about all that would be done by this type of amendment would be to place upon the defendant the burden first, of moving ahead with the evidence. The burden would then immediately be transferred to the plaintiff after the

prima facie case had been established, and the plaintiff would then have to prove that there had been knowledge, and also that the defendant had taken practicable means to inform himself.

Mr. MALONEY. I thank the Senator. He anticipated what I was about to say.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. WEEKS. The Senator from Connecticut has stated that if a defendant should come before a judge and say, "I did not read the regulations." I did not do this, or did not do that——

Mr. MALONEY. The Senator from Massachusetts has not quoted my language. He has the general idea, however.

Mr. WEEKS. If the defendant comes before the judge and the judge concludes that he has not taken reasonable precautions, then under this amendment the defendant will not have established any defense whatsoever against the charge. In other words, the defendant has to prove that in the ordinary, routine conduct of his business he has instructed his clerks and employees as to what to do; that he has put prices on the articles he has for sale, and taken every precaution to see to it that this law is obeyed.

I would remind the Senator that anybody conducting a business today, whether it be a large or a small business—and a small business suffers most—is having all he can do every day of his business life in trying to keep up with the regulations. Ninety-nine out of one hundred and more are honestly trying to live up to the letter of the law, and they are the people I am trying to protect by this amendment.

Mr. MALONEY. Mr. President, it is pretty difficult for me to believe that the American people are dishonest and that they are seeking to take honest merchants into court. There may be mistakes made here and there; we may find an evil man here and there; we may find an occasional greedy man; but I have not come in contact with the sort of situation described in this debate. I do not believe the American people, or very many of them at least, would take into a court an innocent merchant who made a mistake, and I do not believe that such a merchant as the one described a moment ago by the distinguished Senator from Massachusetts who had taken every precaution need have any fear.

Mr. WEEKS. Mr. President, will the Senator from Connecticut yield further?

Mr. MALONEY. I yield.

Mr. WEEKS. I have cited one case and unquestionably there are many more cases, where chiselers have tried, as in the case mentioned, to bring an honest merchant into court and profit thereby.

Mr. MALONEY. I doubt very much if there are many of them and I feel very certain the record will not show that over the period of time this law has been in effect many innocent men have been taken into court. I can understand how an aggravated public or an aggravated individual, understanding that a merchant somewhere was preying upon the American people, and with evidence of a dozen or 20 or 50 or a 100 violations, might be provoked to the point of bringing that particular merchant into court.

Mr. McFARLAND. Mr. President, will the Senator yield?

Mr. MALONEY. I yield.

Mr. McFARLAND. I ask the Senator if this law is not for the protection of the conscientious merchan who is trying to abide by the law?

Mr. MALONEY. That certainly is a part of the reason for it.

Mr. McFARLAND. But the chiseler, under this kind of a provision, would be able to say, "I did not know what the rules were; I was trying to find out what they were." Under such a provision as the one now proposed, who could prove that that man did not get more money for his goods than he should have obtained? The conscientious man who abides by the law is the one who suffers.

Mr. CHANDLER. Mr. President, will the Senator from Connecticut yield?

Mr. MALONEY. I yield.

Mr. CHANDLER. I will say to the Senator from Arizona that about 500,000 merchants of the country disagree with him. I know of a case and cited it yesterday where a customer made a purchase from the Kaufman-Straus Stores, a highly reliable establishment, and was overcharged 10 cents.

Mr. MALONEY. I was here and heard the Senator.

Mr. CHANDLER. The Senator said he did not know of such cases. The customer demanded his 10 cents back and got it. What kind of a man is it who, after getting the refund, will go into court and sue to get $50 and $25 lawyer's fees, which is 750 times the amount of the refund? I wish such things would not happen, but they do happen. The judge in that case said he thought the sellers were reliable merchants; he thought they had taken reasonable precautions, and that they did not engage in that kind of business, but there was nothing in the world he could do. He could not listen to their side of it; he could not take into consideration any extenuating circumstances; he could not let them tell him that they had taken all reasonable precautions, and did not intend to make a mistake. He knew they had paid the money back promptly, and yet fined them $50 and $25 counsel fees. I am not talking about something that may happen but about something that actually did happen.

Mr. MALONEY. The word of the distinguished Senator from Kentucky is good enough for me, and I am assuming that Kaufman and Straus are honorable merchants; but the fact of the matter is that in their store some one was overcharged 10 cents, and, without such a law as we now prescribe that might have gone on day after day, week after week, on item after item, and the American people could have been penalized just that much in a store conducted by honorable men. It is only by such situations as the one the Senator describes that such cases come to light. Some department stores, I presume, sell thousands upon thousands of items and 1 or 2 or 3 or 4 cents on each item or on a great number of items would amount to a tremendous sum.

This is a wartime measure. The distinguished Senator from Massachusetts said a few moments ago that men are compelled to suffer a penalty because of an innocent mistake of 10 cents. Mr. President, if a soldier of this country goes to sleep at his post of duty he may be sent to the Federal penitentiary for years. God knows falling asleep is an innocent mistake. When a boy, called from his home, from a life of peace, is put into the Army, and, tired, exhausted, worried, and bewildered, he falls asleep, no one questions the innocence of his act; but he is subject to a penalty, if I may use the language of the distinguished Senator from Kentucky, that is 750 times what it ought to be on the basis of the discussion and the claims here made by the proponents of this amendment.

Let me say again, Mr. President, we are engaged in a terrible war. That we keep stabilization effective is all-important in the prosecution of this war; it is all-important in the protection of our national economy; it is all-important in the protection and maintenance of our national morale; and, if the merchants of the country—and I realize that innocent ones will suffer—are not sufficiently concerned to keep themselves well informed and are not sufficiently interested to see that their clerks are properly trained, or even, Mr. President, if they are unable to do those things because of other heavy pressures, it seems to me that it is necessary for the over-all protection of the country that we have this law, even though in some isolated case innocent men may suffer.

We do not write laws for a small group of our people. We would not need them if every man practiced the Golden Rule; there would be no occasion for stabilization if every man had complete goodness and understanding in his heart. We write regulations and we pass laws as a deterrent to those who would do evil, or those who are careless of their neighbors' welfare.

Does anyone suppose that all of those who violate traffic laws willfully drive through red lights? Would it be sensible for every judge to say, "I know you did not do it willfully; you are excused." Men are supposed to know, and in wartime it is necessary that they be compelled to an extra effort and that there be imposed upon all of us a very great responsibility.

I know that this amendment is proposed in good faith by two distinguished Senators who seem to see a wrong, but admitting that there is a wrong, admitting that there is a mistake and that these numerous regulations are hard to understand and to keep up with, let me say, Mr. President, we are not going to go through this war successfully with conveniences on every hand. The Office of Price Administration has done and is doing its job very well; it has met with great success up to this hour. Under a continuation of those who guide the management of the O. P. A. and protect the destinies of our people, the worst is behind us. We will have to endure these inconveniences for a little while longer. I can see it moving on successfully with the complete cooperation and under-

standing of the Congress, but if we do something here to interrupt the program which those in charge, after all their experience, tell us is a great mistake, we may do great harm.

I earnestly hope the amendment will be rejected.

Mr. WAGNER. Mr. President, before the Senator concludes his admirable address I should like to remind him that it was in peacetime that we passed the wage-and-hour law, and in that act, because of the disparity between the employer and employee, we provided a penalty for violation of the law irrespective of the question of good faith, because we recognized that an employee would be almost defenseless against any of the very few employers who chiseled. So we provided a penalty during peacetime.

Mr. MALONEY. The Senator is correct. I thank him.

Mr. TUNNELL obtained the floor.

Mr. CHANDLER. Will the Senator from Delaware yield for a moment?

Mr. TUNNELL. I yield.

Mr. CHANDLER. The Senator from Connecticut has talked about injustices, and all of us are in favor of preventing injustices; but in my opinion we would not be doing a just thing or improving the condition of any man in the Army, the Navy, or the Marine Corps of the United States if, in the name of the war, we heaped injustices on those they left back home, and it is an injustice not to provide better justice. That is always an injustice.

Mr. MALONEY. If the Senator from Delaware will yield, I insist that a man cannot be penalized unless his guilt is clear.

Mr. CHANDLER. And we are insisting on giving him an opportunity to show that he is innocent.

Mr. TUNNELL. Mr. President, I desire to endorse the pending bill, and I call attention to the fact that yesterday I received a petition signed by approximately 3,500 persons. It was addressed to me, to the junior Senator from Delaware [Mr. BUCK], and to Representative WILLEY. It was from Wilmington, Del., and those sending the petition represented the American Federation of Labor, the Congress of Industrial Organizations, railroad brotherhoods, National Association for the Advancement of Colored People, the Wilmington Cooperative Society, and assorted consumer citizens. The petition reads:

> We, the undersigned consumers of Delaware, urge you to support adequate price-control legislation in Congress by voting to extend and strengthen the Price Control Act. Prices must be kept down.

I do not think the full extent of the good that has been done and will be done by the O. P. A. will ever be fully realized. I know the antagonism that was aroused on the organization of the O. P. A. as a result of misjudged policies on the part of someone in the organization. I realize that there were hundreds of people employed by the O. P. A. in the beginning who had no sympathy with the O. P. A. or its purposes and did not work to carry out the purposes of the law. But I think conditions have changed, and I believe that the O. P. A. today is endeavoring to meet a great requirement of American life, and I believe it is doing so.

It has been said that the O. P. A. law is a war measure, and that is true. The American people perhaps would not long consent to a law such as this if it were not in wartime. So, whatever I say in endorsing the Chandler amendment is not said with a view to criticizing the O. P. A. I do not think the amendment involves a criticism of the O. P. A. I think it is only fixing by law the course which the O. P. A. must follow, and in my opinion the amendment does provide for something which common decency and justice require.

The amendment reads:

> It shall be an adequate defense to any suit or action brought under subsections (a), (e), or (f) (2) of this section if the defendant proves that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation.

I do not see anything wrong in that. I remember hearing that in early days, under the Mosaic law, there was the idea, and practically the requirement, that a person who killed another, even innocently, had to stand the punishment fixed. But I thought we had passed that period. I know, as other Senators know, that practically every lawyer who has had anything to do with the trial of cases has had to defend those who have innocently either killed or injured others. According to the theory of the opposition to the amendment, such a person should not be permitted to show that he committed the act innocently. He would have to suffer whatever punishment, civil or criminal, there might be for doing something which he did not intend to do, and for which he should not be held liable. That has always been a defense in all the actions with which I have had anything to do, and I have engaged in a great deal of trial work.

I remember one time defending a man for breaking into a store with intent to commit a robbery. It was a defense, and I used it, that the man was so drunk that he did not have any intent. The intent is the gist of the action. We may walk out of this bulding, get into a car, and strike a person innocently. Are we to be assessed $10,000, or $100,000, whatever the death of that man may be shown to be worth, because we innocently did something we did not intend to do?

We are told that if the law does not provide a penalty which is high enough to induce people to bring actions when no damage should be collected at all, suits will not be brought. Such a statement does not appeal to me as being consistent either with common justice or common sense. Is it meant that under our American system a person must be allowed to collect damages in cases where the act, whatever it may be, was innocent, in order that some person who has willfully committed a wrongful act may be forced to pay?

I can see that it might be less complicated if we should merely say that every one who commits a certain act, intentionally or otherwise, should be held liable. I concede that that might be easier, but the difficulty arises, as I see it, under the proposal, because of the fact that the court is given no discretion. The language of the bill is:

> (1) Such amount not less than one and one-half times and not more than three times the amount of the overcharge, or the overcharges, upon which the action is based as the court in its discretion may determine, or (2) $50. For the purposes of this section the payment or receipt of rent for defense-area housing accommodations shall be deemed the buying or selling of a commodity, as the case may be.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. RADCLIFFE. As was stated yesterday, the amount of $50 is arbitrarily chosen.

Mr. TUNNELL. That is what I object to, that it is an arbitrary figure.

Mr. RADCLIFFE. I wish to call to the Senator's attention that I stated on the floor of the Senate yesterday that it is my intention to offer an amendment reducing that amount to $25. The Senator might ask, "What is the difference in theory?" I am sure the Senator from Delaware is not going to take the position that the penalty should be the amount only of the overcharge; in other words if there were an overcharge of 15 cents that there should be a fine of 15 cents. We have a perfectly well-established practice in our courts and under our laws, of fixing by law some small figure as an arbitrary penalty. It seems to me that, though there may not be any particular directive for selecting some special amount, there is good reason why there should be some such amount required by law, and consequently I am going to suggest that the amount be reduced to $25.

I also wish to remind the Senator from Delaware that the committee has made a very material change in regard to the present law, because there is under the committee amendment only one amount required, rather than one for each violation. This makes a very material difference.

Mr. TUNNELL. I will say to the Senator that that still does not justify an injustice. I care not whether it is contended that a man who had collected 10 cents wrongfully but not willfully, must pay $25 or $50; the imposition of either amount as a penalty is unjustified. That is what I am arguing against. I have not heard any Senators who are defending the proposition say it is right and I do not think I shall hear anyone say it is right.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. RADCLIFFE. A few moments ago the Senator from Connecticut [Mr. MALONEY], and also the Senator from New York [Mr. WAGNER], called attention to the fact that even in peacetime we had provided for penalties where there was not any willful intent to violate the law, so it is nothing new that is being continued in the committee amendment. It is a practice to which we have resorted

in very special matters, and not in the usual course of procedure. The O. P. A. is an emergency agency, and we must retain it. Its continued existence is imperative. Since it is an emergency proposition, an arbitrary provision as to penalties is not a novel idea. It is simply in line with what has been done many times in the past to meet special demands of public policy.

Mr. TUNNELL. Does the Senator mean to argue that the doing of a wrong in the past is a justification for doing it in the future?

Mr. RADCLIFFE. Most assuredly not.

Mr. TUNNELL. Then why present that argument?

Mr. RADCLIFFE. I am not presenting such an argument. That is the interpretation which is being put upon my argument, but that was not what I said or intended to say. I said that we found out in our jurisprudence a long time ago that under some exceptional circumstances there must be some arbitrary form of punishment irrespective of the matter of intent. That is not new. That is an historic policy.

Mr. TUNNELL. I take the position that there has been absolutely no circumstance shown here which justifies or requires the doing of an injustice, and the Senator has not shown any such instance.

Mr. RADCLIFFE. Would the Senator prefer that I speak in my own time and not interrupt him?

Mr. TUNNELL. I do not care. If the Senator wishes to give us some reason why an injustice must now be done in order to obtain justice, I am perfectly willing to listen.

Mr. RADCLIFFE. Let me remind the Senator of what I have said before, that this type of penalty is not a novel idea.

Mr. TUNNELL. I am not talking about that. Is it an injustice?

Mr. RADCLIFFE. No.

Mr. TUNNELL. Then we differ, and there is no use for us to argue the question. If the Senator says it is not an injustice to collect 750 times the amount of the overcharge, then he and I are on entirely different grounds.

Mr. RADCLIFFE. Let me say to the Senator that when injustice is spoken of one must be sure one has looked at the matter from all relevant viewpoints. If it is essential—and there may be a difference of opinion with respect to it—that the O. P. A. be continued, and the Senator from Delaware in the beginning of his presentation made a very eloquent statement in regard to it, when he said the O. P. A. must be continued——

Mr. TUNNELL. That is correct. I still say so.

Mr. RADCLIFFE. I do not mean to suggest to the Senator for one moment that merely because some other Member of the Senate has reached any conclusion he necessarily should follow that viewpoint, but, if the Senator will permit me, I should like to recall some circumstances which I think might properly be borne in consideration. This O. P. A. legislation has been in existence for several years.

Mr. TUNNELL. Mr. President, I prefer not to yield to hear the Senator tell what has been done as an injustice. I want to know why an injustice done in the past should justify a present or future injustice. If the Senator will get down to that, I will yield, but I will not yield to have him merely say that there have been injustices in the past and, therefore, they should continue.

Mr. RADCLIFFE. I have said nothing of the sort, but I will not trespass on the Senator's time. I think it is reasonable that he should continue with his argument and not hear my views if he is so inclined. But I wish to say—I will put it in one sentence, and shall attempt to amplify when I have the opportunity—that when we consider the matter of injustice we must regard it from the larger standpoint, and not merely from the standpoint of isolated instances. The Senator and I in this world do many things that we would rather not do. We are subjected to certain restraints, legal and otherwise, because they are required by the public welfare. We have such a thing as public policy with which we must accord if we are to live in community life. We submit to many regulations and restrictions, some of which may seem onerous and some unreasonable, but if there is a sound principle of public policy underlying them, it justifies often the individual hardships and the course which is being dictated by public policy.

Mr. TUNNELL. I do not think anyone is going to say that the instances in which the overcharge is small are comparatively few. I think if we could obtain the facts, we would find that such cases would be a hundred times as many as the large overcharges. Now to place in a bill the provision that if there is an overcharge of 1 cent, or of 10 cents, there must be a penalty of at least $50——

Mr. MURDOCK. Mr. President, will the Senator yield to me?

Mr. TUNNELL. Yes.

Mr. MURDOCK. The Senator realizes, does he not, that we are not now putting such a provision in the bill?

Mr. TUNNELL. It is here.

Mr. MURDOCK. The Senator voted for it. That language is exactly the same as in the present law, and the Senator voted for it.

Mr. TUNNELL. Yes, but we have found that it is wrong, and I am advocating an amendment which eliminates the wrong, if the Senator understands my position.

Mr. MURDOCK. I do not misunderstand the Senator, but I do not want him to entertain the mistaken idea that we were now for the first time writing this language into the law.

Mr. TUNNELL. The Senator is getting back to the same argument the Senator from Maryland made, that there have been wrongs committed in the past, and that therefore future wrongs are justified. I do not see the wisdom of that argument.

Mr. MURDOCK. I am sorry I interrupted the Senator. I will not do it again. I will answer him in my own time.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. CHANDLER. The Senator from Delaware and the Senator from Kentucky both voted for the provision, but now that we have found we were wrong, we are opposed to that wrong, and this is the first opportunity we have had to correct it. If the Senator wishes to stay wrong, very well.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. HAWKES. I should like to say that we have found by experience that, because millions of men and women have been taken from their ordinary places of business, men who are honestly trying to conduct businesses have been interfered with in handling their affairs and many mistakes are unintentionally made.

Mr. TUNNELL. That is correct.

Mr. HAWKES. The Senator says, according to my understanding, that this body should be in favor of simple American justice.

Mr. TUNNELL. Yes.

Mr. HAWKES. The Senate is in favor of extending simple American justice so that when a man has not made a mistake intentionally and willfully, and when he has taken all the precautions he can take, having in mind the kind of help he has had forced upon him because of war conditions, when he has not done anything willfully wrong, when such conditions exist the courts shall have the right to listen to him and exonerate him when he offers proper excuse for his acts. I agree with the Senator from Delaware absolutely; it is not a question of the fine, it is a question of the stigma placed on an innocent man.

I wish to say, Mr. President, that I do not believe there is a Member of the Senate who, if he would apply this rule to himself, if he were operating a business and were doing the best he could possibly do to conduct his business honestly and to support the O. P. A., and if he made a mistake through some clerk who was unfamiliar with the regulations or some new sales person who had been forced upon him, would want to be stigmatized in his community by a fine of $50.

Mr. RADCLIFFE. Mr. President, will the Senator yield to me for a moment?

Mr. TUNNELL. I yield.

Mr. RADCLIFFE. A short time ago the Senator from Massachusetts referred to the instance of a man going out on the street and finding 104 violations in one day. Is that a health situation? Does it show enforcement? I do not know who the violators were, but can we believe that any reasonable effort was made to observe the law, when one man found 104 violations? Probably there were tens of thousands or hundreds of thousands of violations in that area, and the fact suggests that the law was being flouted generally.

Mr. HAWKES. Mr. President, I do not agree with the Senator that the law is being flouted generally. I believe there are in this country people who do not wish to obey, and there always will be. But I say that it is not proper to disregard our American standards of justice. I say that it is not healthy for a boy on

the firing line to get word from his father back home that he has been fined $50 for doing an innocent act, when he was trying to support the war effort on the home front.

Mr. WEEKS. Mr. President, will the gentleman yield?

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Delaware yield to the Senator from Massachusetts?

Mr. TUNNELL. I yield.

Mr. WEEKS. I do not think the Senator from Maryland has quite accurately quoted me. I did not say that a certain person in one day found 104 violations. In a period of 40 days, shopping in 1,000 stores, or using 1,000 examples, he found 104 different violations in different stores. If he had found 104 violations in one day, under the terms of this amendment, the judge naturally would have had to say that that merchant could not possibly have taken practicable precautions against a recurrence of the violations, and the judge would, therefore, have assessed a fine.

Mr. TUNNELL. Mr. President, I repeat that I have not yet heard anyone, except the Senator from Maryland, state that it is not an injustice to collect a fine of from 500 to 750 times the amount of the overcharge. In the debate I have not heard that argument used.

In criminal matters it is always proper, when it comes to assessing a fine and determining the amount of the fine, to show that the person charged with the offense did not intend to commit it. If a person charged with a violation goes before a jury in a criminal case or in a civil case and says he did not intend to strike the man with his automobile, and that he was using every precaution, that is a defense. It is recognized as such. But under the existing law and under the pending bill, if it becomes a law just as it is worded, it is not a defense.

The argument is made that I voted for it in just that form. Those who make that argument are going back to the idea that because I have done wrong once, that justifies my doing so again. Here is something which has been discovered. Here is an amendment which will eradicate a wrong. I am in favor of eradicating the wrong, and I think it is just and right to do so. Either the court, the jury, or someone should have a right to use discretion. It should not be the law that because someone has blindly shown that another person has violated the law unknowingly and unwittingly, he should be punished by a fine of from 700 to 800 times the amount of money involved, in addition to the stigma to which the Senator from New Jersey [Mr. HAWKES] has referred, and which in many instances is perhaps the heaviest penalty which could be imposed. As I understand the pending bill, it does not remedy that situation at all.

In other words, under the existing law and the pending bill, the question is not whether the violation was intended; but the only question is—to use an analogy—Did the automobile strike the man? If it did, and if death resulted, the driver of the automobile is liable.

That is not American justice. It is not the justice to which I have been accustomed in the courts. It is not the justice to which the Senator from Maryland is accustomed; because I have practiced in the courts of his State, and I know they try to administer justice. The present law and the bill as it is written are not in accord with the principles of justice.

Mr. RADCLIFFE. Mr. President, will the Senator recall a statement made a short time ago by the Senator from Connecticut, when he spoke of a person who drives through a red light? If a person drives through a red light, even though he may do so innocently, does the court ordinarily accept the explanation that he did so innocently?

Mr. TUNNELL. Yes, Mr. President; a court takes that into consideration; and in many thousands of cases no fine is imposed.

Mr. RADCLIFFE. But that is not an answer.

Mr. TUNNELL. The Senator asked if the court takes it into consideration. It certainly does.

Mr. RADCLIFFE. Let me put my question in another way.

Mr. TUNNELL. Very well; I shall be glad to have the Senator do so.

Mr. RADCLIFFE. If the Senator will look up the records of a police court or a magistrate's court or any court at all which has to pass on violations of traffic regulations, he will find that every day in a very large percentage of cases fines are exacted, although there may be no intent to violate the law.

Mr. TUNNELL. Yes; and in a very much larger percentage of cases the court does take into consideration the manner and the attitude of the person who violated the regulation, and whether he was taking reasonable precautions. If the court does not take such matters into consideration, it is not doing its duty; and if the Senate does not take into consideration the very right of the matter, in writing these laws, it is not doing its duty.

Mr. RADCLIFFE. Does the Senator understand that it is customary in traffic violations to have the intent of the person be the controlling factor?

Mr. TUNNELL. The Senator is endeavoring to get back to the point of whether some wrong has been done in the past in traffic violations and, if so, that it is a reason for continuing the wrong. I do not think it is, even in Maryland.

Mr. RADCLIFFE. The Senator challenged me to cite an illustration. I am telling him that the magistrate's courts in Maryland, the courts in the District of Columbia, and the courts in practically every State, including, I assume, the State of Delaware, every day are punishing for traffic-law violations people who do not intentionally violate the law.

Mr. TUNNELL. I will say that the judges in Maryland and in Delaware and in every other State with which I have ever had anything to do, take into consideration the criminality or the negligence, in civil cases, of the person accused.

Mr. RADCLIFFE. Is that true in the case of a violation of a parking regulation?

Mr. TUNNELL. Yes; it is.

Mr. RADCLIFFE. Is that true in the case of a person who overparks, and who says he failed to look at his watch to keep track of time?

Mr. TUNNELL. If there were proper signs indicating the boundaries of the restricted parking area, that fact is taken into consideration. If there were no such signs, that fact is taken into consideration. The degree of negligence enters into the matter every time.

Mr. RADCLIFFE. Does the Senator refer to violations of parking regulations?

Mr. TUNNELL. I do not know how many judges will overlook those considerations, but I am talking about the laws and the way they are administered.

Mr. RADCLIFFE. I am simply asking the Senator from Delaware to tell me what is customary in the case of violations of traffic regulations. Fines are frequently imposed against persons who had no intention to break the law.

Mr. TUNNELL. I am telling the Senator from Maryland that in cases of traffic violations, as in all other cases about which I know, the courts use some common sense. But the Senator is asking them not to do so in this case.

Mr. HAWKES. Mr. President, will the Senator yield to me, in order that I may make a statement?

The PRESIDING OFFICER (Mr. DOWNEY in the chair). Does the Senator from Delaware yield to the Senator from New Jersey?

Mr. TUNNELL. I yield.

Mr. HAWKES. In the case of traffic violations, the person who is charged with the violation is the person who was driving the automobile. In the case of the sales and overcharges now in question, for which a person may be penalized, that person may have been 20 miles or 50 miles away from the spot where the overcharge was made. He may have had forced on him help which he would not use under any ordinary conditions in his store. Today the merchants are getting along as best they can.

Mr. President, while I am on my feet I wish to say that I think the O. P. A. is doing a good job. I think it is vitally important that it be supported. There is nothing more important than to control inflation. I, too, like the Senator from Delaware, do not believe we have to dispense with genuine American justice in order to enforce the O. P. A.

Mr. TUNNELL. I thank the Senator. That is exactly my position.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. JOHNSON of Colorado. I regard the Senator as a very able lawyer, and I wish to ask him a technical question. I notice the following language in line 4:

It shall be an adequate defense.

What is the significance of the word "adequate," when used in that connection? Does it mean a complete defense? Why would it not be better to say that

it shall be an admissible defense? "Adequate" seems to me to be a very sweeping word in that connection.

Mr. TUNNELL. I ask the Senator if an adequate defense does not mean an admissible defense?

Mr. JOHNSON of Colorado. That is what I wish to find out.

Mr. TUNNELL. It certainly does.

Mr. JOHNSON of Colorado. "Adequate" seems to me to be a very sweeping word.

Mr. TUNNELL. I do not know what an "admissible" defense is. An adequate defense is a complete defense. An "admissible" defense may be a defense which is offered, and which may be accepted or rejected by the court. That is my idea of the distinction. However, I believe that it should be a complete defense.

The only justification for assessing a penalty of $50 or $25 for a 10-cent overcharge is as a matter of punishment. If it can be shown that there was no negligence, and that every precaution was taken to prevent the violation, or if it can be shown "that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful nor the result of failure to take practicable precautions against the occurrence of the violation" what is there to punish the defendant for?

Mr. REVERCOMB. Mr. President, will the Senator yield?

Mr. TUNNELL. I yield.

Mr. REVERCOMB. With respect to the inquiry made by the able Senator from Colorado as to the use of the word "adequate" does not the word "adequate" mean sufficient? Is not an adequate defense a sufficient defense to the charge?

Mr. TUNNELL. Yes; I think it means a complete defense.

Mr. REVERCOMB. In this instance it seems to me that the proper construction of adequate is a sufficient defense to the particular charge.

Mr. TUNNELL. As I have said, that is taken into consideration in civil cases by juries, and in criminal cases by the court in fixing the punishment. But under the language of the bill the court would have no discretion. It would have to punish with the largest fine or assessment possible—"whichever is larger." The court would have no discretion, under the terms of the bill, if it should be proved that there was no negligence and that the violation was innocent or perhaps justifiable. It might be justifiable, and yet the court must fix the punishment at the greater amount. I think it is one of the most unfair proposals that I have ever seen attempted to be put into a statute.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] on behalf of himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment on page 10, after line 20.

Mr. CHANDLER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. RADCLIFFE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Revercomb
Ball	Gillette	Reynolds
Bankhead	Green	Robertson
Barkley	Guffey	Russell
Bilbo	Gurney	Shipstead
Brewster	Hatch	Stewart
Bridges	Hawkes	Taft
Brooks	Hayden	Thomas, Idaho
Buck	Hill	Thomas, Okla.
Bushfield	Holman	Truman
Butler	Jackson	Tunnell
Byrd	Johnson, Colo.	Tydings
Capper	La Follette	Vandenberg
Caraway	McClellan	Wagner
Chandler	McFarland	Wallgren
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Mead	Weeks
Danaher	Millikin	Wheeler
Davis	Moore	Wherry
Downey	Murdock	White
Eastland	Murray	Wiley
Ellender	Overton	Willis
Ferguson	Radcliffe	Wilson
George	Reed	

The PRESIDING OFFICER. Seventy-four Senators have answered to their names. A quorum is present.

The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] on behalf of himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment.

Mr. REVERCOMB. Mr. President, the subject before the Senate at the present time deals with the infliction of a civil forfeiture or a penalty for a violation of the Stabilization Act. The sole question boils down, as I see it, to this: Under the present statute, if a merchant or one selling goods sells merchandise above the O. P. A. ceiling price, regardless of whether the overcharge is intentional or not, regardless of the circumstances, regardless of how innocent the seller may be, he is subject to a penalty.

It is stated that in forfeiture cases in an action brought by the purchaser the seller shall be liable for reasonable attorney's fees and costs as determined by the court. In addition, the seller must pay an amount not less than one and one-half times and not more than three times the amount of the overcharge, or $50, whichever, I understand, shall be the larger amount.

Mr. RADCLIFFE. Mr. President, will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. RADCLIFFE. I may say to the Senator that there is an amendment, which has the support of the committee, which would substitute the amount of $25 for the present amount of $50.

Mr. REVERCOMB. I thank the Senator for the information, but I do not believe the fixed amount makes any difference. Whether the penalty be $25, $50, or $1, the sole question is whether or not a man is guilty of a willfully wrongful sale, of desiring to violate the law, or of having failed to take precautions against violation—or whether he is innocent of trying to violate the law. The sole question to be determined by us is whether the law shall stand, and subject a man to punishment even though he has taken precautions not to violate the law.

The amendment which has been offered, Mr. President, is a very fair one. It would not require that the seller must be proved guilty of a willful act. It would merely give to the seller an opportunity to show that his act was neither willful nor the result of failure to take practicable precautions against the occurrence. In other words, the burden would be placed upon the seller to show that he was not willful in having violated the law, or had not failed to take practicable precautions. He would stand before the court guilty until he showed that he was not guilty. The amendment simply gives him an opportunity to truthfully show his status.

Today I have listened to the interesting and able arguments which have been made. I recall one argument which has frequently been made, namely, that we are engaged in a war. Unhappily we are engaged in a war; but the fact that we are engaged in a serious war is no reason for inflicting upon the civilian population of the country penalties which are unfair, or for passing unfair laws. It seems to me that it is ordinary justice for a man who is charged with violating a law to have an opportunity to come into the court where he has been charged with the violation, and say in effect, "I wish to prove that my act was not a willful one; that I took ordinary care and precaution not to violate the law, and that I have used all reasonable means to maintain my position as an innocent citizen." Indeed, what good purpose will the courts of this land serve; how, indeed, may justice and right be said to guide our courts if a penalty is to be inflicted upon the innocent and the guilty alike?

Some have called this an automatic penalty and seem to feel that because it is automatic that it is right. I do not follow that course of reasoning. A penalty upon the innocent is wrong whether it be automatic or the result of judgment after trial.

To show the practical side, let me say that the merchants of the country—and I am not presenting the cause of any particular merchant—whether they operate large stores or small stores, are employing clerks who are green and untrained; yet if one of the clerks innocently makes an overcharge of a few cents, under the law as it is written today, the owner of the store must pay a penalty of $50, and he has no right under the present law or the proposed law to say, "I did not intend to commit that act and I took every precaution I could to prevent it from occurring."

It seems to me, Mr. President, that when the Congress undertakes to place upon the civilian population a penalty because of an act, over which in many instances the man has no control, we have gone far afield from the principles of simple justice as we know them and have known them in this country.

The argument was made that those in the armed services suffer severe penalties. I believe a case was cited of a soldier going to sleep at his post. He did not intend to go to sleep, but he was sent to the penitentiary. I want to say if that is the practice in the Army of the United

States today, it is a disgrace and a shame. If a soldier has not the right to show extenuating circumstances, however high his duty may be, and to show reason or excuse for his act, then we had better inquire into such conduct. I know of a similar case in the last war; I know it first-handed. A young soldier went to sleep on post. He had been ill and had missed his sleep night after night because of extremely arduous duties assigned to him. When he was called before a general court martial, the fact of his illness and the fact of his overtime service were presented and heard, and he was acquitted. I hope that that practice still obtains in the Army of the United States.

Returning to the immediate subject before the Senate, I say, Mr. President, that if one commits a criminal act, under the provisions of the law, before he can be convicted of a criminal offense and punished, it must be shown that his act was willful. Yet in order to recover a civil penalty it is necessary to show only that an overcharge occurred, however innocently it may have occurred.

I may point out, Mr. President, that unless the proposed amendment is adopted, there will be put upon a parity those who willfully violate the law and those who unintentionally violate it. I do not believe the Senate wants to do that. Regardless of the history and the use of forfeitures, I do not consider it an argument in this case that a forfeiture may have been provided in other laws. If we let the law stand as it is proposed to be passed without this amendment, remember, the guilty and the innocent will be punished alike.

Mr. ELLENDER. Mr. President——

Mr. REVERCOMB. I yield to the Senator from Louisiana.

Mr. ELLENDER. I believe that the distinguished Senator from Connecticut made it very clear that the main purpose of having written the law as it now stands was in order to have civilians become interested in reporting violations. Does the Senator not feel that adoption of the amendment which is now proposed would remove that incentive?

Mr. REVERCOMB. I do not feel so, because if a customer is overcharged and desires to take the matter into court he is not going to take it into court unless he feels he has been wrongfully overcharged. Certainly, he is not going to take into court a man who, he feels, innocently overcharged him. And if anyone is vicious enough to try to collect from an innocent seller, this amendment protects the innocent. The present law does not.

Mr. ELLENDER. It strikes me that it would certainly remove that incentive. What would happen would be that in order to enforce the act it would be necessary for us to appropriate millions of dollars so as to provide sufficient watchers to see that the law was enforced.

Mr. REVERCOMB. I do not hold the view of the able Senator from Louisiana, but, even if I did, I would not subscribe to the principle of doing a wrong in order to afford an incentive to others to bring the wrong to light.

We are here passing a law that will absolutely bind the courts. As was stated by the judge—and I was very much impressed by it—when he was inflicting the penalty in the case in Kentucky—he remarked, in substance, that if there was any fairness and any justice in this law as applied to an honest, painstaking, careful merchant, as in the case before him, he failed to perceive it.

The purpose of the amendment is to give to the judge the power to hear the man who may be brought before him and give that man an opportunity to say "I will prove my innocence, and I will prove that not only was the act not willful but I will prove that I took every precaution to prevent it."

Does the able Senator think that when a merchant, whether a merchant in the country, in a town, or in a city takes every honest precaution he should be mulcted in damages, for that is what it is, although called a penalty. Fifty dollars, twenty-five dollars, or one dollar is not to be considered; it is a question of whether or not we ought to take a penny from him. If he is guilty make him pay the full amount, but if he is innocent give him an opportunity to show that he is innocent of the act charged.

Mr. GILLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. REVERCOMB. I yield.

Mr. GILLETTE. As a matter of interpretation may I ask the Senator what in his opinion would be the interpretation in a court action of the degree of precaution that is defined as "practicable"?

Mr. REVERCOMB. I think that it would be entirely within the discretion of the court to say under the circumstances what was practicable, just as the questions of fact are left to a jury under the circumstances of the case.

Mr. GILLETTE. Would it be the Senator's interpretation that it would be reasonable precaution? Would that be the interpretation?

Mr. REVERCOMB. Yes.

Mr. GILLETTE. I think "practicable" is defined as what is to be put in practice, as feasible, and I am wondering whether that definitive word, that adjective, is the word it is really desired to use.

Mr. REVERCOMB. I believe that the word is properly used. It is a matter of judicial determination of what is practicable under the circumstances of the case presented.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. REVERCOMB. I am glad to yield.

Mr. WHITE. Is it not a fact that it is an application of judicial discretion or the exercise of judicial discretion?

Mr. REVERCOMB. Based on what the judge decides is practicable.

Mr. WHITE. Upon what the judge admits before him as evidence. While I am on my feet may I ask another question?

Mr. REVERCOMB. Certainly.

Mr. WHITE. I am not sure that I understand altogether what is involved here. The amendment, as I understand, transfers the burden of proof from the one charging the offense to the defendant charged with the offense and requires of the defendant that he shall establish by affirmative proof some sort of a negative. He has to prove that what he has done was not done intentionally or whatever the statutory word may be. Is not that a complete shifting of the legal principle that the burden of proof must rest on the person making the charge?

Mr. REVERCOMB. It is indeed a shifting of the principle, but I should like to point out to the able Senator that in the law as it is proposed today the defendant will not be given an opportunity even to defend upon the ground that his act was innocent and that he took every precaution to prevent it. The amendment goes further than the usual burden of proof principle. It puts upon the defendant the burden of proving that he is innocent.

Mr. WHITE. Of proving a negative?

Mr. REVERCOMB. Of proving a negative.

Mr. WHITE. In other words, the amendment, whether one likes it or not, is a relaxation from the rigors of the present law?

Mr. REVERCOMB. It is.

Mr. WHITE. Because under the present law, if the fact is established, and only the fact, there is a conclusive presumption of guilt.

Mr. REVERCOMB. Exactly so; and I think that is the viciousness of the present law.

Goodness knows the merchants throughout this country are harassed enough today with regulations. The seller of goods is required to make report after report. A great threat is constantly held over him by his Government. He lives in an atmosphere of control and threat, and now we are asked to pass a law providing that when he makes a mistake he cannot come before a court and say, "I am innocent, and I can show I took every precaution."

Mr. RADCLIFFE. Will the Senator from West Virginia yield?

Mr. REVERCOMB. I yield.

Mr. RADCLIFFE. Not that it has any bearing on the merits of whether the provision should be in the law or not, but an inference might be drawn which I am sure the Senator from West Virginia does not mean, that this is a new feature being incorporated into the law. The provision is now in the law.

Mr. REVERCOMB. The Senator is correct, the feature is now in the law. It is a bad feature, in my opinion, it should be eliminated, and it will be eliminated if the amendment shall be agreed to.

Mr. MURDOCK. Will the Senator yield?

Mr. REVERCOMB. I yield.

Mr. MURDOCK. The Senator does not take the position, does he, that this has never been done before in a Federal statute?

Mr. REVERCOMB. Oh, no; I stated that forfeitures had been provided before, but because they exist in other in-

stances does not justify placing them in this measure.

Mr. MURDOCK. Does the Senator take the position that subparagraph (a), under section 205, which provides for injunctions, is also mandatory? The language which I refer to reads as follows:

In any such acts or practices a permanent or temporary injunction, restraining order, or other order shall be granted without bond.

Does the Senator take the position that that language is mandatory on the court?

Mr. REVERCOMB. Yes; I take the position that it is mandatory, and I take it we will be relieved from that mandatory language by the amendment now offered.

Mr. MURDOCK. If the distinguished Senator will read the opinion of the Supreme Court in the Hecht case, he will find that the court has held that the language in subparagraph (a) is not mandatory, and that the courts of the United States and the State courts, on the question of an injunction, have discretion, despite that mandatory language. If there has been a decision of our Supreme Court which upholds the position the Senator takes on the other language, I am not familiar with it; but I call his attention to the fact that the only case, in my opinion, which has been handed down by the Supreme Court of the United States on this question, and which is a construction of the language of subparagraph (a) under section 205, holds that the courts do have discretion in granting injunctions.

I feel, if the Senator will be indulgent for a moment longer, that whenever a case reaches the Supreme Court on the grounds the Senator from Kentucky has pointed out, without doubt the Supreme Court will say, in that type of case, that the courts have discretion to do equity.

Mr. REVERCOMB. I am very happy to be advised of the Hecht case and I am glad the Supreme Court placed the interpretation upon the statute that it did in that case, although it may have involved a stretching of language. I remember that case went up from Washington to the Supreme Court, and I am glad to have it brought to my mind. As I recall the case, the statement made by the able Senator from Utah is correct as to the holding. But if that be so, let there be no question of doubt as to the meaning the Senate desires to place upon the language it uses in the proposed statute. Let the Congress, as to injunctions under O. P. A., follow the holding of the Supreme Court in unmistakably clear language. But the Hecht case did not, if I recall rightly, deal with the question of a forfeiture or penalty. It dealt solely with the question of injunctive action.

Mr. MURDOCK. That is correct.

Mr. REVERCOMB. Mr. President, the amendment now under consideration will prevent a store from being closed, will prevent the infliction of a money penalty if the one charged is innocent, or if he can prove that he has taken reasonable precautions. It affords the defendant an opportunity to present a defense if he has a defense. I say, Mr. President, that appeals to me as simple, ordinary, straight-forward justice. In this instance, I think a great wrong will be done to the merchants and vendors of this country if they are not permitted a day in court to prove, if they can, that the action, the sale, or the overcharge, was innocent, and in addition, that they had taken every precaution to prevent an improper charge being made.

The amendment goes to a very basic principle of right. It gives to the man charged with wrong a chance to be heard, and only by its adoption can one charged with making an overcharge be heard to say that he had taken practicable precautions to prevent the wrong from being done.

If the measure shall be permitted to stand as it is written, without the pending amendment, the guilty would have the same standing and judgment in court with the innocent, and the innocent would suffer equally with the guilty.

APPROPRIATIONS FOR THE DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE—CONFERENCE REPORT

Mr. McKELLAR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 4204) making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 16.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 9, 11, 15, 17, 18, and 19, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and on page 59 of the bill in line 10 strike out the colon and insert in lieu thereof a period; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 8, 10, 12, 13, 20, and 21.

PAT MCCARRAN,
KENNETH MCKELLAR,
RICHARD B. RUSSELL,
WALLACE H. WHITE, Jr.,
CLYDE M. REED,
Managers on the part of the Senate.

LOUIS C. RABAUT,
BUTLER B. HARE,
THOMAS J. O'BRIEN,
KARL STEFAN,
Managers on the part of the House.

The report was agreed to.

The PRESIDING OFFICER (Mr. DOWNEY in the chair) laid before the Senate a message from the House of Representatives announcing its action on certain amendments of the Senate to House bill 4204, which was read as follows:

IN THE HOUSE OF REPRESENTATIVES, U. S.,
June 6, 1944.

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 5, 8, and 20 to the bill (H. R. 4204) making appropriations for the Departments of State, Justice, and Commerce, for the fiscal year ending June 30, 1945, and for other purposes, and concur therein;

That the House recede from its disagreement to the amendment of the Senate numbered 21 to said bill and concur therein with an amendment as follows: In lieu of the matter inserted by said amendment insert:

"During the fiscal year 1945 the Secretary of Commerce ay delegate his authority to subordinate officials of the Coast and Geodetic Survey, the Weather Bureau, and the Civil Aeronautics Administration, to authorize payment of expenses of travel and transportation of household goods of officers and employees on change of official station: *Provided*, That in no case shall such authority be delegated to any official below the level of the heads of regional or field offices."

That the House insist upon its disagreement to the amendments of the Senate numbered 10, 12, and 13 to said bill.

Mr. McKELLAR. Mr. President, I move that the Senate agree to the amendment of the House to Senate amendment numbered 21.

The motion was agreed to.

Mr. McKELLAR. I move that the Senate further insist upon its amendments numbered 10, 12, and 13 to the bill, request a further conference with the House thereon, and that the Chair appoint the same conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. MCCARRAN, Mr. MCKELLAR, Mr. RUSSELL, Mr. BANKHEAD, Mr. CONNALLY, Mr. WHITE, and Mr. REED conferees on the part of the Senate at the further conference.

EXTENSION OF PRICE CONTROL AND STABILIZATION ACTS

The Senate resumed consideration of the bill (S. 1764) to amend the Emergency Price Control Act of 1942 (Public Law 421, 77th Cong.) as amended by the act of October 2, 1942 (Public Law 729, 77th Cong.).

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] for himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment on page 10, after line 20.

Mr. TAFT. Mr. President, I do not have any great sympathy with the Price Administration, and I intend at a later time in the debate to set forth the abuses of administration which I think have occurred; but I do feel that price control is an essential feature of our war economy. I think we must have such control if we are to prevent a tremendous increase in prices over and above what they should be.

Mr. REVERCOMB. Will the Senator yield?

Mr. TAFT. I yield.

Mr. REVERCOMB. In view of the fact that the Senator follows me upon this subject, I wish to say that I agree with him that price control is necessary in wartime. Much as I fundamentally am opposed to fixing prices, I agree with the Senator that in these times it is justified. But I do not think that Congress, the declarer of policy and the maker of the law, should so have it that the innocent may be made to suffer. That is not necessary and it is not just.

Mr. TAFT. Mr. President, the whole price control, which is extraordinary, can only be justified, in my opinion, in time of war. I am in favor of abolishing it just as soon as we can abolish it after the war. But if we have it, it must be enforced, and the most important enforcement, perhaps, comes in the enforcement of retail prices. That is to save the small country stores, and the chain stores, which sell small and inexpensive articles.

It is said a 2-cent overcharge is nothing. A 2-cent overcharge goes to the very essence of price control. After all, we are trying to hold prices somewhere near stable figures. I think perhaps we should let them go up 5 percent a year. But a 2-cent overcharge is often a 20-percent increase in price. It is essential that the whole scale of prices be adhered to. Probably a 2-cent overcharge is much worse than a $100 overcharge. Hundred-dollar overcharges are easy to detect, but many small overcharges creeping into the retail stores of the country will bring an end to enforcement of price control.

Let us see what we confront in trying to enforce the law. We have provided for a criminal penalty. Of course, we provided that to convict a man criminally it must be shown that his offense is willful. Incidentally, it is far too expensive and elaborate a process to use against every small store or chain store which happens to violate a price regulation. It cannot be done. The district attorney does not have time to worry with such cases and bring the elaborate proceedings involving not only a fine but imprisonment for the person who is convicted. The act also gives the right to require licenses and to revoke licenses. That certainly is a most drastic penalty and ought not to be employed except in extreme cases. As a practical matter for enforcement against day-to-day violations it is almost a useless weapon.

The third weapon we have given is what is called an automatic fine, and that is what it really is. Congress has said, and the question is, Shall Congress continue to say that if a man persists in violations of the act he shall pay an automatic fine? That is the question. It is a question of whether that is a wise means of enforcing this particular law, and I am inclined to think it is. There is no question of the individual's guilt. He is guilty. The whole basis of the appeal is for individuals who have violated the price regulations. There is no question of civil liability. Violators can be sued. Civil liability does not require willful violation. Civil liability is always based on the fact. We go somewhat further, because this is a semicriminal proceeding. A fine is involved. But it is not going to result in sending anyone to jail. It is going to do no more than penalize an individual for a violation which is not willful. I do not think it is an extreme measure to take in time of war.

The amount may be excessive. I think triple damages are excessive. The committee reduced the figure to one and one-half times, so that one who can show that he did not commit a violation on purpose can be fined only 50 percent in addition to the overcharge where the overcharge is not more than $50.

I think most of the complaint which is made in the Senate is based on the theory that $50 may be a very excessive penalty for a 2-cent overcharge. I do not say that the $50 penalty may not be too much. Perhaps it ought to be $25 instead of $50. But I still believe that about the most effective means of enforcing this law with respect to retail prices and against retail stores is by an automatic fine. That is what we have provided in this particular measure.

There have not been a great number of cases brought. If we make it optional with the judge, if we provide that the defendants can come in and show that they are not to blame, and that then there shall not be any recovery, we will not have any consumer suits at all. The Office of Price Administration might bring suit at times, but there will not be any consumer suits, because no consumer can be in a position to controvert the contention made by the storekeeper that he issued proper instructions to his clerks. Suppose the chain-store manager comes forward and proves that he issued instructions not only to his clerks directly but that he sent a man around to all the stores who taught his clerks what to do. That lets him out. How can anyone ever bring a suit with any hope of success against a chain store under such circumstances? An individual cannot go inside the chain store organization and prove what happened in the organization, or whether there was or was not negligence. The evidence is all within the mind of the storekeeper himself.

Mr. REVERCOMB. Mr. President——

The PRESIDING OFFICER (Mr. McCLELLAN in the chair). Does the Senator from Ohio yield to the Senator from West Virginia?

Mr. TAFT. I yield.

Mr. REVERCOMB. The Senator acts as the judge of the act in this case in saying what would be a defense. It is left to the judge under the circumstances to say whether due precautions were taken.

Mr. TAFT. No; the point I am making is that this provision is intended to enlist consumer assistance in connection with enforcement. If the Price Administrator himself must enforce the provision he is going to find it to be an impossible job. It cannot be done. So he wants consumer assistance, and we confer on the consumer the benefit of this automatic fine, but no consumer can possibly bring a suit with any hope of success for an overcharge hereafter if we have this possible defense provided. The consumer cannot answer that defense. We might just as well face the problem, as it is. If the amendment is adopted it will kill the automatic fine method of enforcement.

Mr. President, in my opinion an automatic fine for violations of price-control regulations is the most effective means of enforcing retail price control, and without it the enforcement of retail price control will be seriously handicapped. I do not think an automatic fine for an innocent mistake, if you please, in time of war, is a serious infringement of any man's constitutional rights.

I think the Office of Price Administration is to blame for having pushed this matter further than they should have pushed it, for having brought many of the cases they have brought, for allowing to continue the cumulative business, which we have now eliminated. That may be. But still the fundamental question we have to decide is whether we want to leave in the act this method of enforcement with respect to retail sales.

After all, the fact that overcharges are as small as 5 cents or 2 cents makes no difference. In fact, those violations are far more difficult to punish, they are far more difficult to prevent, and far more destructive of ultimate price control than the $100 overcharges. So I do not feel that the proposal represents an unconstitutional infringement of rights, particularly in time of war.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. TAFT. I yield.

Mr. WEEKS. The Senator from Ohio has stated that this is an automatic fine, and to me that is a new doctrine. The objective of the Price Control Act, with which every Senator must be in sympathy, is to keep prices down, but the method of achieving that objective is to catch the chiselers and the black-marketeers, and not to penalize the 999 out of a thousand merchants who under the most difficult conditions are trying to keep abreast of the regulations, changes in price, and everything that goes with them, who under the most trying circumstances are bound from time to time to make innocent mistakes. If those mistakes are repeated the merchant, of course, ought to be brought to account, but if an innocent mistake occurs the merchant ought to have his day in court, and the court ought to have some discretion in the matter.

Mr. TAFT. Mr. President, I wish to make one reservation, and that is that I do not know that I would approve of automatic fines in time of peace. There have been some such fines provided in wage-and-hour laws, for instance. But except in time of war when we have extraordinary controls I do not think such procedure can be effectively carried out. That is one reason why I think that the moment we can possibly get rid of the whole thing we ought to get rid of it. It has certain necessary hard features, and will always have such features. We cannot regulate millions of transactions every day without such a result. But if we are committed to this policy, as I think we are and as I think we ought to be, I do not believe the method of enforcement by automatic fine, as tempered by the committee, as reduced to $50 for all past offenses without cumulation, as reduced to a penalty of one and one-half times in cases of any substantial overcharge, is an unfair or too harsh a method of enforcing the Price Control Act.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment offered by the Senator from Kentucky [Mr. CHANDLER] on behalf of

himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment on page 10, after line 20.

Mr. REVERCOMB. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Gerry	Revercomb
Ball	Gillette	Reynolds
Bankhead	Green	Robertson
Barkley	Guffey	Russell
Bilbo	Gurney	Shipstead
Brewster	Hatch	Stewart
Bridges	Hawkes	Taft
Brooks	Hayden	Thomas, Idaho
Buck	Hill	Thomas, Okla.
Bushfield	Holman	Truman
Butler	Jackson	Tunnell
Byrd	Johnson, Colo.	Tydings
Capper	La Follette	Vandenberg
Caraway	McClellan	Wagner
Chandler	McFarland	Wallgren
Clark, Mo.	McKellar	Walsh, Mass.
Connally	Maloney	Walsh, N. J.
Cordon	Mead	Weeks
Danaher	Millikin	Wheeler
Davis	Moore	Wherry
Downey	Murdock	White
Eastland	Murray	Wiley
Ellender	Overton	Willis
Ferguson	Radcliffe	Wilson
George	Reed	

The PRESIDING OFFICER (Mr. HAYDEN in the chair). Seventy-four Senators having answered to their names, a quorum is present.

The pending question is on agreeing to the modified amendment proposed by the Senator from Kentucky [Mr. CHANDLER] for himself and the Senator from Massachusetts [Mr. WEEKS] to the committee amendment.

On this question the yeas and nays have been demanded and ordered.

Mr. BARKLEY. Mr. President, I simply wish to make a brief statement in regard to my attitude on the pending amendment to the committee amendment. Of course, I am very much embarrassed because the amendment to the amendment is offered by my colleague, and is offered in good faith by him, and is based largely upon an episode which occurred in the city of Louisville, involving one of the most reputable mercantile establishments in the State of Kentucky, the head of which is a very warm personal friend of mine. If I considered that a single episode and an isolated case involving this merchant or this establishment could justify a relaxation in what I think is one of the most vital methods of enforcing price control, I myself would feel inclined to vote for the amendment to the committee amendment. But I do not believe we can relax with safety the enforcement procedure and methods which have been established, and under which the American people have now lived for 2 years and more, without running a great risk of destroying the effective control of prices themselves.

Now we are appealed to by all sorts of groups, which can cite instances of hardship which have occurred, to vote for a general amendment which would cover their particular situations. I have been waited upon today by personal friends urging me to vote for amendments because of a peculiar situation which affects them and which affects my own State. If I or all of us should vote for all the amendments which particular groups of our friends are asking us to adopt because some individual hardship has occurred to them, we might as well repeal the Stabilization Act, and abolish price control altogether.

Of course, I do not say this for the purpose of indicating that the contrary is the truth; but I think that in this situation, in which we are called upon to deal with a very vital war problem, we must take into consideration the possibilities which may result from any action we may take. We owe it to ourselves and to the country to exhibit the same degree of courage which we would be expected to exhibit if we were involved somewhere else in this war effort and this war drive.

All penal statutes are made in order to curb the 5 percent, it may be, or less, of the population who may be criminally inclined. If it were not for the insignificant minority in numbers who insist on violating the law—every law which carries with it a penal statute—and if it were not for the fact that, beyond that group, there are always men who are willing to take a chance either of violating the law outright or of occupying a sort of twilight zone or a borderland between actual violation and observance of the law, we would not be called upon to pass criminal or penal statutes of any kind. If everyone were willing to recognize the rights of everyone else, we would not need many statutes, and we would not need much government. That is what I think Jefferson meant when he is alleged to have said—although it has been difficult for me to find the exact quotation—that that government is best that governs least. In an ideal state of society, in which everyone recognized the rights of everyone else, there would not be much need for government. But, unhappily, we do not dwell in that sort of society.

So I feel that if we are sincerely interested in curbing inflation, if we are interested also in protecting the consumer, who has some rights in this situation, we must be careful and we must be guarded as to the extent to which we relax the controls and methods of enforcement.

Mr. BRIDGES. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. MCCLELLAN in the chair). Does the Senator from Kentucky yield to the Senator from New Hampshire?

Mr. BARKLEY. I yield.

Mr. BRIDGES. Did I correctly understand the Senator to say that he was unable to find in the works of Jefferson the words which he purported to quote?

Mr. BARKLEY. I do not know that that is very important so far as this amendment to the committee amendment is concerned. But Jefferson's works are voluminous. I have a set of 12 volumes of his works; and a new set, composed of 20 volumes, is soon to come out. So, year by year and day by day, new letters and new treatises by Jefferson on various subjects are being discovered.

Mr. BRIDGES. I was about to comment that I do not think the Senator has studied or followed Jefferson to any great extent in the past 11 years.

Mr. BARKLEY. I will accommodate the Senator by sending him a copy of one of the best speeches I have made in the past 12 years, on Thomas Jefferson. If the Senator will promise to read it, I will mail it to him tomorrow.

Mr. BRIDGES. I notice from the press that the Senator is now an author as well as a Senator, so I am delighted to read one of his speeches.

Mr. BARKLEY. I feel complimented by having the Senator recognize my merits as an author. I am sorry to say that I have received letters from others who are not so charitable toward my authorship as is the Senator.

Mr. BRIDGES. I grant that the Senator is an author, but I am certainly not in agreement with the script which he produces.

Mr. BARKLEY. In the first paragraph of that script I stated that my article was not intended to appeal to chronic Roosevelt haters or chronic Roosevelt worshippers, so the Senator is eliminated in the first paragraph. However, I do not wish to speak on that subject. I am trying to talk about a serious matter.

Mr. OVERTON. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. OVERTON. To pour oil on the troubled waters, let me suggest that Alexander Pope first gave utterance to the thought suggested by the Senator.

Mr. BARKLEY. I thank the Senator. I should have expected the erudite Senator from Louisiana to have corrected me or the Senator from New Hampshire in any literary error we might have committed. I thank the Senator for setting the record straight.

Mr. President, let us get back to the amendment. I was saying that if we legislate in penal matters so as to make it impossible to deal with the very small and insignificant percentage of people who take advantage of the law, we might as well have no statutes at all.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. It had been my original intention to vote for what I thought was the purpose of the amendment, namely, to protect those who are innocent, and who might inadvertently or unintentionally violate some rule or regulation. I am quite sure that is the purpose of the Senator from Kentucky, and of every other Senator. There is no desire on the part of Congress or of any administrative agency unduly to inflict penalties upon those who unintentionally and unknowingly violate the law or the regulations. However, I find language in the amendment which frankly I do not understand. The amendment provides as follows:

> It shall be an adequate defense to any suit or action * * * if the defendant proves that the violation of the regulation, order, or price schedule prescribing a maximum price or maximum prices was neither willful—

Then follows this language—

> nor the result of failure to take practicable precautions against the occurrence of the violation.

I ask the Senator whether he thinks the words which I have just read are of any legal significance. Have they ever been interpreted by the courts? Could they be applied, or would they open the door to almost anything?

Mr. BARKLEY. That is precisely the point I am coming to in what I had intended to be a very brief discussion of the amendment. I think the Senator from New Mexico is correct in his interpretation of the language.

Mr. HATCH. I have not interpreted it. I do not know what it means.

Mr. BARKLEY. That language would make it difficult for me as a lawyer to know how to interpret it if I were a judge on the bench and were required to pass upon it or to instruct the jury.

Mr. HATCH. I was about to ask how the Senator would instruct a jury on that language.

Mr. BARKLEY. I presume the only way a court could instruct a jury on that language would be simply to read the language itself, because the court would not know what interpretation to place upon it, or what specific act would constitute a lack of diligence on the part of the merchant in taking all practicable steps to avoid a violation of the statute. I do not know. If a judge were to undertake to interpret that language to a jury, he might make an erroneous interpretation, so probably all the judge could do would be to read the language to the jury and leave it to the jury to determine whether the defendant had exercised the proper diligence.

Mr. HATCH. Let me ask the Senator further if, in his opinion, the inclusion of those words would render the entire penalty provisions practically nugatory.

Mr. BARKLEY. I think so. Let us see what would be the result——

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. As I understand, the Senator from New Mexico would vote for an amendment containing the word "willful." Yesterday the Senator from Illinois [Mr. LUCAS] offered such an amendment, containing the words "willfully and knowingly" but the amendment did not elicit much support.

The Senator asked what the judge would say. A judge certainly would have the whole case before him, and he would instruct the jury in accordance with the proof which the defendant offered. This amendment provides that it shall be an adequate defense if the defendant proves, first, that the violation was not willful; and secondly, that he took all practicable precautions to avoid the violation. "Practicable precautions" mean that he read the regulations of the O. P. A.—and, God knows, they are numerous enough—and that he tried to make the regulations known to his employees. That language means that, notwithstanding the fact that he had inexperienced clerks, as many establishments have, he did the best he could to avoid the violation. My colleague did not know that the Senator from New Mexico would vote for an amendment which, so far as I know, nearly every other Senator opposes, and to which the O. P. A. is violently opposed. Such an amendment would insert the word "willfully" in the act.

Mr. BARKLEY. Mr. President, I am not interpreting the purposes or motives of the Senator from New Mexico. I agreed with his statement a moment ago. I fear this amendment as a whole would make absolutely nugatory the effort of the Office of Price Administration to enforce the statute.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. HATCH. Let me say, in reply to the junior Senator from Kentucky, that it does not make any difference how I vote, or whether any other Senator agrees with me or not. The words "knowingly and willfully" have very well defined meanings in the law. If the amendment is adopted, I suggest that the very able explanation which the junior Senator from Kentucky has just given be incorporated by all the judges in their instructions to juries when they come to decide cases, because he has made it very clear.

Mr. CHANDLER. We cannot prevent judges from making erroneous interpretations of the law.

Mr. BARKLEY. Mr. President, let me pursue my discourse for a moment. Let us assume the case of a corporation which is being proceeded against, either by a customer or by the Price Administrator, for an alleged violation of the law. The proceeding is against the corporation. It is not against the girl at the soda fountain, the perfumery stand, the linen-towel counter, the shirt counter, or the hosiery counter. The proceeding is not against the little girl behind the counter; it is against the corporation. Let us assume that a proceeding is instituted against the corporation for violating a price ceiling. The president of the corporation may come into court and say, "I did not know that my corporation was violating the law." That would be proof that he did not do it willfully. He would not have to introduce another witness up to that point. The burden of proof would be shifted to the Government, and the Government would have to show, by positive evidence, that what the president of the corporation said was not true, and that he did know about the violation.

Mr. CHANDLER. Mr. President, will my colleague yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. This is the way the law would operate if the bill as it stands were enacted into law: In the case of an overcharge, even though the overcharge were refunded, the seller could be taken to court, and would have to pay the $50 penalty, and $25 counsel fees. The defendant would not be able to say a word in his own defense. The fact of the overcharge would be sufficient.

Mr. BARKLEY. I realize that; but I would wager my head against a hole in a doughnut that for every case taken into court in which a merchant had to pay $50 and $25 attorneys' fees for an overcharge of 10 cents, there have been a thousand cases which never got into court because no one went to the trouble of bringing a proceeding.

Mr. CHANDLER. Such a case arose in Louisville, Ky.

Mr. BARKLEY. I know about that case. I have already testified, along with my colleague, that the concern in Louisville to which reference has been made is one of the most reputable mercantile establishments in Kentucky. At the head of it is one of my warmest personal friends in the State of Kentucky. If I were to vote according to my sympathies, of course I would be inclined to support the amendment. But I do not anticipate that even that store will be taken into court in the future, because a burned child dreads the fire, and probably it would not be affected in the future by this amendment, because probably it will never again become involved in such a violation.

Mr. CHANDLER. They earnestly asked that we consider the amendment.

Mr. BARKLEY. That is true. They earnestly asked me to consider it, and I have earnestly considered it, and after earnestly considering it I feel that I should vote against it.

Mr. BREWSTER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. BREWSTER. Am I to understand that while the Senator feels that those persons have learned their lesson, and that the case is a just one, he does not wish to afford any relief?

Mr. BARKLEY. Oh, no; the Senator from Maine, with his sharp technical mind, places an interpretation upon my statement which is wholly unwarranted. On the contrary, I do not believe that we are justified in breaking down price control because of something which has taken place in one case. I will not vote for an amendment designed to make a general law to meet a particular isolated situation.

Mr. BREWSTER. If there should be no similar case, there would be no trouble, but if there are to be any more cases like the Kentucky case I shall vote for equal justice to all.

Mr. BARKLEY. Mr. President, it makes very little difference who has the burden of proof because, after all, in each case, the burden of proof is upon the Government. The burden of proof is now upon the Government to show a violation. If the proposed amendment were agreed to the burden of proof would be shifted to the violator of the law, and all he would have to do would be to testify that he had not known anything about the regulation, and then the Government would have to prove that he had known about it.

Mr. CHANDLER. Oh, no. The Government would make the charge, and would have to offer evidence in support of the charge. We contend that the defendant would then have to come into court and prove, first, that he had not willfully violated the law, and, second, that he had read the regulations and had taken all practicable precautions with the view to avoiding a violation. We would place the burden of proof upon the defendant.

Mr. BARKLEY. The burden of proof is first upon the Government. There are three stages in such a proceeding. First, the Government must prove that there was a violation of the law. Then all the defendant would have to do would be to say that he did not willfully violate the law.

Mr. CHANDLER. No; in this case all the Government has to do is to say in effect, "You overcharged 10 cents." The fine is automatic.

Mr. BARKLEY. It is true that the fine is automatic, but under the Senator's amendment the Government would still have to prove a violation of the law, and the defendant could say, "I did not do it intentionally," and the Government would be required to prove that the defendant had intentionally committed the violation.

Mr. CHANDLER. In the case to which we have referred the court said that he realized there were extenuating circumstances. He said he wished that he could do something for the defendants. He said in effect, "You are fine folks, and you paid back the money, but I cannot help you. You must pay a fine of $50 and $25 as an attorney fee."

Mr. BARKLEY. Under the law, not only in the case referred to but in cases before the Federal court, it is necessary to assess three times the amount of the overcharge, and the Federal judge is under the automatic compulsion of doing so, just as the local judge was compelled to do so in the city of Louisville.

Mr. CHANDLER. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CHANDLER. Allow me to read what the judge said in that case.

> If there is any element of justice, morality, or right in compelling a respectable and honest merchant, such as the defendant in this case, at such a time as the present, when experienced clerks are scarce and hard to obtain, to pay a penalty of $50 for an innocent mistake of 10 cents by an inexperienced clerk, in which the employer who is so mulcted had no part whatever, I have failed to discover it.

Mr. BARKLEY. I appreciate the comment of the local judge to the local merchant concerning that case, and I can well understand the human element which entered into it when he was commenting ex cathedra on the automatic operation of the law. We have been talking all day about chicken-feed cases, about 10-cent overcharges.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BARKLEY. I will yield in a moment.

We have taken up the time of the Senate today by talking about small matters. However, there are thousands of overcharges which may take place and have taken place, involving real money, such as $25, $50, or $100. In a case in which the seller had overcharged $100 or $1,000, and the Government proceeds against him, and has proved that he made the overcharge, under the proposed amendment he could say, "I am sorry it occurred, but I did not know about it. I did not intend to do it." In 99 cases out of a hundred it would be impossible for the Government of the United States to prove that the defendant had really intended to commit the violation willfully and knowingly.

So, while I am sure that we all wish to do justice in the case of a man who is compelled to pay $50 or $75, which may be a hundred times the overcharge, at the same time I think we must not lose sight of the fact that there have been some flagrant violators of this law, and that there will be more of them if we let down the bars so that they can escape merely by saying that they were innocent, and did not know about the law or the regulations, or that the clerk whom they had instructed violated the law by charging a few cents or a few dollars above the ceiling price.

Mr. WEEKS. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. WEEKS. Under the amendment the Government would not have the burden of proof. Under the amendment the defendant would not be innocent until proved guilty. He would have to establish his innocence by showing that he had not been willful, and had not failed to take practicable precautions.

Mr. BARKLEY. In proving that the violation had not been willful the defendant would not be required to bring in everybody in the community as supporting witnesses. The Government would not have to prove that he was willfully guilty. All the Government would have to do under the amendment would be to prove a violation of the law. Then the single unsupported statement of the defendant himself that he had not known anything about the law, that he was innocent and had not willfully committed a violation, would make it necessary for the Government to offset his testimony by proof to the contrary. If the Government should merely prove that the defendant had willfully violated the law, and one witness should swear before the court that he was innocent and lacking in knowledge, such testimony might be considered, in the absence of any contradictory evidence, as proof that the defendant was not guilty.

Mr. STEWART. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. STEWART. The Senator does not mean to state, does he, that the adoption of the proposed amendment would change the present rules of evidence?

Mr. BARKLEY. It would change the present rules of evidence in O. P. A. cases, but not the general rule of evidence in the Federal court.

Mr. STEWART. The general rule of evidence would control, would it not, in the trial of any jury case, even though the alleged offense had been an O. P. A. violation?

Mr. BARKLEY. Yes; except insofar as the O. P. A. law itself might restrict requirements relating to the Government. As the law now stands the Government is required only to prove violation.

Mr. STEWART. And as the law now stands the defendant is not allowed to make any defense?

Mr. BARKLEY. He may make a defense that he did not commit the violation, but under the present law he cannot defend himself on the ground that he was innocent, and that he did not know he was violating the law.

Mr. STEWART. That is correct.

Mr. BARKLEY. I believe that the hardships which result from the present law are insignificant in comparison with the hardships which will result to the consuming public if we open up this proposed loophole and allow anyone who desires to violate the law to come before the court and say, "Your Honor, I am sorry it happened, but I was wholly ignorant of the law." Although the defendant may state that he did everything he could to inform himself on the law, and instructed his clerks, and so forth, still the court would have to dismiss the case. In my judgment, there would be hundreds of cases in which persons would take chances in violating the proposed law, but would not do so under the present law.

Mr. STEWART. Allow me to ask the Senator a further question. The case would still be tried under the prevailing rules of evidence. The adoption of the proposed amendment would not change any rule of evidence which prevails at the present time in the trial of cases in the Federal court.

Mr. BARKLEY. Under the ordinary criminal statutes, in a case in which a man has been charged with murder, the Government has to prove some motive for the intentional killing of a human being. It must have been done willfully. with malice aforethought, or something of that kind. The rules of evidence which apply in the trial of ordinary criminal cases do not now apply in proceedings involving the O. P. A.

Mr. STEWART. The Government must make out its case under the law. If the proposed amendment were enacted into law, the defendant would be allowed to interpose the defense that the violation had not been committed willfully, and so forth, as provided in the statute. After all, the whole question would be a question of fact to be decided by the jury, would it not?

Mr. BARKLEY. Yes; but let me ask the Senator if he were on a jury and the Government proved a violation and the defendant came in and by his own testimony alone said he was innocent, that he did not do it willfully and he did not introduce any more evidence, and the Government could not introduce any witnesses to prove that he did it willfully, and the Senator went out as a member of the jury what would he feel that he would have to do? He would have to vote for acquittal.

Mr. STEWART. I will say in answer to that suggestion, that I think the rules of evidence that now prevail would still prevail. The facts necessary to make out a criminal case must be proved beyond a reasonable doubt, and I think that rule might apply here if this act were passed, because it provides for a penalty.

Mr. BARKLEY. If it is a criminal case those who are prosecuting a man

for a violation must prove that he is guilty beyond a reasonable doubt, but that is not the law in O. P. A. cases.

Mr. STEWART. The Senator means it is not the law now.

Mr. BARKLEY. No; a violation of the law itself now carries with it an automatic penalty.

Mr. STEWART. But it is necessary if it is a criminal case to prove beyond a reasonable doubt that the one charged did violate the law.

Mr. BARKLEY. Of course, it is necessary to prove it. If the defendant is given the right to testify that he did not do it intentionally or willfully, in all probability, in 99 cases out of 100 the result will be dismissal.

Mr. STEWART. He would still have to prove his case. His defense would have to create a reasonable doubt.

Mr. BARKLEY. He would not have to prove his defense beyond a reasonable doubt. All he would have to do would be to testify he was not guilty of the violation.

Mr. STEWART. I do not agree with the Senator. I believe that every fact necessary to be established for the conviction of any defendant must be established by the Government beyond a reasonable doubt, and any fact necessary to be established in behalf of the defendant which might clear him must create a reasonable doubt in the mind of the jury.

Mr. MURDOCK. Mr. President——

Mr. BARKLEY. I yield to the Senator from Utah.

Mr. MURDOCK. The amendment before the Senate has nothing to do with a criminal prosecution. The law makes it as specific as it can be made, that in a criminal prosecution the act complained of must be willfully committed, just as in any other criminal case.

I think what the senior Senator from Kentucky says about what would happen under the amendment of the junior Senator from Kentucky is simply that the burden of moving forward with the evidence shifts to the defendant, and after he introduces one syllable of evidence on the question that the act was not willfully committed, and that he had used all practical means of informing himself, then that evidence, uncontradicted, of course, is prima facie and under the terms of the amendment an adequate defense.

Mr. BARKLEY. And, of course, if it is an adequate defense, it means a complete defense, and almost an automatic dismissal of the proceedings.

Mr. MURDOCK. Yes; and then the burden shifts back to the Government to overcome the prima facie case. As the Senator from Tennessee said, under the rules of evidence, the fact of the defendant's willfulness must be proved by the Government by a preponderance of evidence.

Mr. BARKLEY. That is the rule.

Mr. MURDOCK. That is the rule which would be invoked.

Mr. STEWART. Let me say, since my name has been mentioned, and since the Senator from Utah refers to the rule of preponderance of evidence, that I understand that would control in civil cases, but the rule of reasonable doubt prevails in criminal cases. I wish to state also, by way of correction of my statement a moment ago when I said the Government must make out a case beyond a reasonable doubt—I said, as I recall, that the defendant must establish a defense beyond a reasonable doubt. I meant to say that if the defendant's defense should create a reasonable doubt in the mind of the jury he would be entitled to acquittal.

Mr. BARKLEY. The matter we are dealing with does not involve a criminal prosecution at all where the question of reasonable doubt arises because the amendment says that it shall be an adequate defense to any suit—that is, a civil proceeding—which may be instituted by a customer or by the Price Administrator if the defendant proves that the act was not willful.

Mr. President, let me, in conclusion, read what the District of Columbia Court of Appeals said on the subject in the case of Bowles against American Stores. I read a paragraph from the opinion which was recently handed down:

> Occasional hardship to one who honestly and intelligently endeavors to comply with the law is not too high a price to pay for the protection of the whole community against inflation.

That, to me, is the nub of this whole situation. If we try to eliminate all hardship cases which may appeal to us from the standpoint of justice, we run the risk of jeopardizing the entire enforcement of this law. It would, I think, do infinitely more harm to the general public and the whole community than that which might result from hardship in individual cases. For this reason I am unable to support the amendment of my colleague and the Senator from Massachusetts, much as I dislike to differ with them on any matter in which they are concerned, as they are in this.

Mr. WILEY. Mr. President, I have listened to much of the argument and I feel that the situation is one that could be very well cleared up if the officials, the Government attorney, the inspectors, would use a little common sense. I may relate an instance that occurred a good many years ago when as a prosecuting attorney it was my good fortune to have the friendship of a judge who had a remarkably fine legal mind. The judge said that the district attorney's office was the greatest judicial office in the Nation. I asked, "What do you mean?" He replied, "The district attorney must use common sense."

In the instance of violating the law cited by the junior Senator from Kentucky, 10 cents was involved. The reason the amendment was brought up here is apparent, because throughout the land there has been a lack of judicial ability by the inspectors who go forth sneaking into everybody's business and find here and there a little laxity, a trifling violation. I have no time for those who indulge in overcharging. An hour ago downtown I was told that there can be bought anywhere in New York City all the gas anyone may want if he will pay 36 cents a gallon for it. Why are the inspectors of the O. P. A. not up there investigating those grave violations? The point is, that someone in the case that was cited by the distinguished junior Senator from Kentucky did not show common sense. There was a violation; it was of no significance. The inspector could have found out whether it was intentional; he could have ascertained the facts; and he could have used judgment—common sense. Prosecuting officers represent the people as well as the State. Overambitious or overzealous Government employees do not make for good Government or good morale when they become persecutors. Right now when the Government needs the backing of all the people, it would be well if the head of the O. P. A. would issue an order to his agents and say, in substance, "When you go out and find these apparently unintentional violations, do not bring the man into court, do not get him to hate his Government, do not get him to have the idea that it is the business of the Government to step on business. Rather give him the idea that it is the business of Government to cooperate, to instruct, to enlighten, and to lighten the load of the citizen."

Mr. President, I shall vote for the amendment. I do not think it was necessary for this issue to come up and it would not have come up if the inspectors of O. P. A.—our public servants—had used what the judge to whom I have referred called "common sense." A little more of this quality in public servants would be of great help.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the modified amendment submitted by the junior Senator from Kentucky [Mr. CHANDLER] and the junior Senator from Massachusetts [Mr. WEEKS] to the amendment of the committee. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BRIDGES (when his name was called). I have a general pair with the Senator from Utah [Mr. THOMAS]. I transfer that pair to the junior Senator from Ohio [Mr. BURTON], who, if present, would vote "yea." I understand that, if present and voting, the Senator from Utah would vote "nay." I vote "yea."

The roll call was concluded.

Mr. HAYDEN. I have a general pair with the Senator from North Dakota [Mr. NYE], who, if present, would vote "yea." I transfer that pair to the Senator from New Mexico [Mr. CHAVEZ], who, if present, would vote "nay," and I vote "nay."

Mr. HILL. I announce that the Senator from Washington [Mr. BONE] and the Senator from Virginia [Mr. GLASS] are absent from the Senate because of illness.

The Senator from Florida [Mr. ANDREWS], the Senator from Idaho [Mr. CLARK], the Senator from South Carolina [Mr. SMITH], and the Senator from Utah [Mr. THOMAS] are detained on public business.

The Senator from North Carolina [Mr. BAILEY], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Texas

[Mr. O'DANIEL], and the Senator from Florida [Mr. PEPPER] are necessarily absent.

The Senators from Nevada [Mr. MCCARRAN and Mr. SCRUGHAM] and the Senator from West Virginia [Mr. KILGORE] are absent on official business. I am advised that if present and voting the Senator from Nevada [Mr. MCCARRAN] would vote "yea."

The Senator from New Mexico [Mr. CHAVEZ] and the Senator from Illinois [Mr. LUCAS] are detained in Government departments on matters pertaining to their respective States.

The Senator from South Carolina [Mr. MAYBANK] is absent, attending the funeral of the late mayor of Charleston, S. C.

Mr. WHERRY. The Senator from Vermont [Mr. AUSTIN] is necessarily absent. He has a general pair with the Senator from Florida [Mr. ANDREWS].

The Senator from Ohio [Mr. BURTON] is necessarily absent. If present he would vote "yea." His pair has been heretofore announced.

The Senator from North Dakota [Mr. NYE] would vote "yea" if present. He is absent because of illness in his family.

The Senator from North Dakota [Mr. LANGER] and the Senator from New Hampshire [Mr. TOBEY] are necessarily absent.

The result was announced—yeas 47, nays 27, as follows:

YEAS—47

Ball	George	Russell
Bankhead	Gerry	Shipstead
Bilbo	Gillette	Stewart
Brewster	Gurney	Thomas, Idaho
Bridges	Hawkes	Thomas, Okla.
Brooks	Holman	Tunnell
Buck	Johnson, Colo.	Tydings
Bushfield	McClellan	Vandenberg
Butler	McKellar	Walsh, Mass.
Byrd	Millikin	Weeks
Capper	Moore	Wherry
Chandler	Murray	White
Connally	Reed	Wiley
Cordon	Revercomb	Willis
Eastland	Reynolds	Wilson
Ferguson	Robertson	

NAYS—27

Aiken	Guffey	Murdock
Barkley	Hatch	Overton
Caraway	Hayden	Radcliffe
Clark, Mo.	Hill	Taft
Danaher	Jackson	Truman
Davis	La Follette	Wagner
Downey	McFarland	Wallgren
Ellender	Maloney	Walsh, N. J.
Green	Mead	Wheeler

NOT VOTING—22

Andrews	Johnson, Calif.	O'Mahoney
Austin	Kilgore	Pepper
Bailey	Langer	Scrugham
Bone	Lucas	Smith
Burton	McCarran	Thomas, Utah
Chavez	Maybank	Tobey
Clark, Idaho	Nye	
Glass	O'Daniel	

So the amendment of Mr. CHANDLER and Mr. WEEKS to the committee amendment was agreed to.

Mr. CHANDLER. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. WEEKS. I move that the motion of the Senator from Kentucky be laid on the table.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The question now is on agreeing to the committee amendment on page 10, beginning after line 20, as amended.

The amendment, as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The clerk will state the next committee amendment.

The next amendment of the committee was on page 11, after line 17, to insert:

TITLE II—AMENDMENTS TO THE STABILIZATION ACT OF OCTOBER 2, 1942

COTTON TEXTILES

SEC. 201. Section 3 of the Stabilization Act of October 2, 1942, as amended, is amended by adding at the end thereof the following new paragraph:

"Any maximum price established or maintained under authority of this act or otherwise for any textile produce processed or manufactured in whole or substantial part from cotton or cotton yarn shall be not less for any specific textile item than the sum of the following: (1) The cost of the cotton or yarn involved, plus the cost of delivery of such cotton or yarn to the point of processing or manufacturing, as determined by the War Food Administrator; (2) the total current cost of whatever nature incident to processing or manufacturing and marketing such item, computed at a uniform figure that will cover the costs of any manufacturer or processor among the manufacturers or processors of at least 90 percent by volume of such item; and (3) a reasonable profit on such item, in addition to the costs computed as provided in clauses (1) and (2) The maximum price established for any textile item under this act or otherwise shall be adjusted to the extent necessary to conform with the requirements of this paragraph within 60 days after the date of its enactment. For the purposes of this paragraph, the cost of any cotton shall be deemed to be not less than the parity price for such cotton (adjusted for grade, location, and seasonal differentials); except that for the 60-day period beginning 120 days after the date of enactment of this paragraph, and for each subsequent 60-day period, if the actual current market value of such cotton at the beginning of such period is lower than such parity price, the cost of such cotton during such 60-day period shall be deemed to be the actual current market value at the beginning of such period, and whenever a change is made in such cost of cotton a corresponding change shall be made in the maximum price for each specific textile item. The method that is now used for the purposes of loans under section 8 of this act for determining the parity price or its equivalent for seven-eighths inch Middling cotton at the average location used in fixing the base loan rate for cotton shall also be used for determining the parity price for seven-eighths inch Middling cotton at such average location for the purposes of this section; and any adjustments made by the Secretary of Agriculture or the War Food Administrator for grade, location, or seasonal differentials for the purposes of this section shall be made on the basis of the parity price so determined. For the purposes of this paragraph, the terms 'textile product' and 'textile item' mean any product or item manufactured or processed in whole or substantial part from cotton or cotton yarn by any manufacturer or processor engaged in the manufacture or processing of such product or article from cotton or cotton yarn."

Mr. ELLENDER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. ELLENDER. What amendment is now before the Senate?

The ACTING PRESIDENT pro tempore. The committee amendment beginning at the bottom of page 11, section 201.

Mr. ELLENDER. What became of section 109?

The ACTING PRESIDENT pro tempore. That is the committee amendment which was just agreed to.

Mr. BANKHEAD. Mr. President, I wish to submit some observations on the committee amendment commonly known as the cotton textile amendment.

I have been and will continue to be a supporter of fair and just price control. I abhor administrative injustices which grow out of failure to observe the intent of the law. I am convinced that my amendment will help stabilize the cost of living. Notwithstanding the outrageous misrepresentations about the effect of my amendment which have been broadcast and otherwise publicized, I believe its passage and administration in good faith will make cotton clothing more abundant and less expensive, and will thereby help prevent inflation.

The O. P. A. could handle the matter administratively if it chose, without any change in the law. Instead, it has resisted all proposals and suggestions for improvement in administration. That is why my amendment is before the Senate today.

The Price Administrator issued orders—and I hope the Senate will grasp this statement—establishing ceiling prices including practically all cotton goods on June 28 and December 24, 1941, and April 9 and 28, 1942.

These ceilings, with very slight modifications on some schedules, have been in effect since that time. The ceiling prices were related to the price of raw cotton; and in explanatory statements at the time when ceilings were established it was stated that the ceiling prices provided more than ample margins for the mills to pay more than the parity price for the cotton. Extracts from the explanatory statements on this subject will be submitted later.

Mr. MURDOCK. Mr. President, will the Senator yield for a question concerning the parliamentary situation?

Mr. BANKHEAD. I yield.

Mr. MURDOCK. Yesterday afternoon the Senator spoke about submitting some amendments to his amendment. Did the Senator do so?

Mr. BANKHEAD. I will do so before my amendment is voted on.

Mr. MURDOCK. I thought the Senator requested that they be printed.

Mr. BANKHEAD. I did not send them to the desk, but I have given them to the press.

Mr. MURDOCK. I thank the Senator.

Mr. BANKHEAD. Mr. President, the farm price of cotton, at the time of the issuance of the last and most important of the price-ceiling schedules, was 45 points above the parity price. The farm price promptly started to decline, and since May 1942, with the exception of a

few times when it barely got above parity, it has been below parity. On April 15, 1944, it was 20.24 cents. On May 15, 1944, not quite a month ago, and the last date on which an official price is available, the price was 19.80 cents. In short, during the last 30 days the price has gone down 44 points, or $2.20 a bale. On that date the parity price was 21.08 cents. The selling price, therefore, was 128 points, or $6.40 a bale, below parity on the 15th of last month. While the prices of processed cotton goods selling under a 2-year-old ceiling are perfectly stabilized, and the retail cost of manufactured cotton goods such as dresses and work garments of every kind is steadily increasing in price, the farm price of cotton has been declining.

In order that Senators may better understand that situation, let me say that we have had the ceiling on cotton goods for 2 years. It is still in effect. There has been no change of any consequence in the price received by the mills for cotton goods manufactured by them. So that part of the cotton industry has been stabilized for 2 years. Whatever inflation has occurred in the sale of cotton clothing is not due to any increase in the prices of manufactured cotton cloth and is not due to any increase in the price paid to the producers of the cotton. For 2 years, now, that situation has prevailed, and now the price of cotton is going down. The ceiling price of cotton goods is not changing, but the price of cotton clothing is going up by leaps and bounds. The cost of cotton clothing has assumed the proportions of a national scandal, without any increase in price to the farmers or to the cotton mills.

The O. P. A. claims that my amendment would break the line. That is a claim used frequently against anything which the agency dislikes, whatever the reason for the dislike. Most Senators on this floor are familiar with this O. P. A. claim. I hope our experience has taught us to go behind this kind of defense. It is an all-day sucker that the agency uses liberally in an effort to stop all cries of protest. I do not propose to let it pacify me, or keep me from what I consider my duty; and I know there are others whom it will not pacify.

I propose, however, to examine this assertion that my amendment would break the line by causing a tremendous increase in the cost of living. Before I do that, let me state what the amendment does. To begin with, it covers any textile product made principally out of cotton or cotton yarn. It would require O. P. A. to conform to the Price Control Act by fixing textile ceilings at a price which would reflect parity to the producers of raw cotton. The law requires that this be done, but the O. P. A. admits it has fixed ceilings on several textile items with the price for raw cotton calculated at a figure well below parity. It is apparent, I think, that cotton can never go to parity and stay there for any length of time if the ceilings on textiles are such that they will not enable some manufacturers to pay parity.

I will confine my discussion to cotton. My amendment would require O. P. A. to fix ceilings on textiles at a price that will reflect parity to the producer of cotton. Second, it would require O. P. A. in calculating textile ceilings to cover the manufacturing costs of 90 percent by volume of a textile item. This may seem a bit complicated, but I can clarify it by a simple example. By way of illustration, let me cite denim, a textile item used principally in the manufacture of overalls and other work garments. Under my amendment, the cost to the manufacturers making 90 percent of the denim would be covered. The 10 percent left out would be the highest cost, least efficient mills. I felt we should not try to cover the costs of all the mills. O. P. A. can deal with the 10 percent, if it wishes their production, on a special basis.

The reasons for covering the costs of 90 percent also are simple. What we need today is a greater production of textiles. So long as the present scarcity obtains, O. P. A. will have great difficulty in keeping prices down. This war has shown that the real enemy of inflation is abundance—abundance of production. Look at the experiences with hogs, potatoes, and eggs. One way to keep prices in line is by producing to the utmost. I realize that we cannot have enough of every item to fill all needs. So long, however, as there is a fairly ample supply of a particular commodity, price control will not be too difficult. Under such circumstances, both rationing and price control can be made to work.

Mr. WHERRY. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TUNNELL in the chair). Does the Senator from Alabama yield to the Senator from Nebraska?

Mr. BANKHEAD. I yield.

Mr. WHERRY. I should like to ask whether that is not also true as to cattle.

Mr. BANKHEAD. It is absolutely true. It is true of any commodity. When there is not enough to go around real trouble begins. Neither rationing nor price control then will prove effective.

The crying need of the textile situation today is more production. The consumption of cotton is declining at an alarming rate. I assume most Members of the Senate know that the word "consumption," when used with reference to cotton, means the grinding up by the cotton mills, not the wearing of cotton clothes by consumers.

Over the 19 months from January 1942 through July 1943 the rate of consumption of cotton in the United States averaged 43,574 bales per working day. During the 9 months of the 1943–44 season, however, consumption has averaged only 39,022 bales per day. The consumption of cotton this season may be 1.4 million bales less than in 1942. No one can say that that is due to the fact that there is not an adequate demand for cotton goods. There is such a scarcity of cotton goods in the stores of this country as has never existed before. There is a supply of raw cotton available for consumption by the mills which is as great as has ever existed—10,000,000 bales—and still the consumption of cotton, and particularly work clothes and goods for working people, is decreasing day by day. That results, of course, in an increase in the number of bales in the warehouses, because cotton is not being consumed by the mills at the average rate which has prevailed for the past 2 years.

The need for textiles is fully as great as it was in 1942. Shortages of labor account for some of the decline, but only for a part of it. I have become convinced that O. P. A. pricing policies have sharply curtailed the production of badly needed textiles. I see no hope of a change in these pricing policies unless we approve this amendment.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WILEY. I am paying very close attention to what the Senator is saying.

Mr. BANKHEAD. I have noted that, and I appreciate it.

Mr. WILEY. I am interested, first, in trying to understand how, under the provisions of the amendment, the producer would get what he should get for his cotton—presumably parity—and secondly, how under the amendment more cotton would be consumed.

Mr. BANKHEAD. I intend to cover those points, if the Senator will wait without regarding me as discourteous.

Mr. WILEY. Not at all.

Mr. BANKHEAD. My amendment has one other feature. It provides a reasonable profit on textile items. In my opinion, the existing act provides for a reasonable profit on textiles and all other items on which price ceilings are placed, but, as some of us have learned, we do not know our own laws by the time the executive agencies get through interpreting them.

Summing up, my amendment has three major objectives. It has as its primary aim parity prices for cotton; and, in this connection, let me point out that wheat and cotton are the only major commodities that have been consistently below parity. Wheat is now only slightly below parity.

Second, we are trying to increase the production of badly needed cotton clothing and cotton goods. Third, I think the mills are entitled to reasonable profits on the goods they manufacture, and we leave the question of what is a reasonable profit to O. P. A.

The O. P. A. insists that the textile mills are able to pay parity for cotton under existing ceilings. In a written statement presented by the O. P. A. to the Senate Banking and Currency Committee on April 25 last, while hearings were in progress, it was stated:

> Is the price of cotton below parity because the textile companies cannot pay more for cotton?

That is a proper question. The O. P. A. itself asked it.

> The evidence against such a contention is overwhelming.

That is the statement of the O. P. A. The O. P. A. says that the cotton mills have the necessary money, indeed, ample funds, to pay parity for cotton.

The evidence against such a contention is overwhelming. The ability of the mills to pay higher prices for cotton, and, indeed, to pay higher than parity prices, can be shown by a comparison, first of all, of mill earnings in the year 1942 with the representative peacetime earnings, and then by a comparison, based on a somewhat smaller sample, of 1943 earnings, with those of 1942.

After some further expressions, the O. P. A. statement continues:

It is thus clear that the earnings of the textile mills are more than ample to permit a rise in the price of cotton to parity and above.

I have the statement before me, if any Senator wishes to see it. It is a printed document.

Mr. President, in the face of that positive declaration by the O. P. A. within the past few weeks, we find the O. P. A. and its advocates and supporters claiming that if parity prices are required to be paid for cotton, we shall have a runaway price inflation, when the O. P. A. has been insisting—possibly before it knew the effect of such a position—that the cotton mills, within their price ceilings for the goods, have ample funds to pay parity prices.

Taking O. P. A.'s statement at its face value, I cannot understand the agency's refusal to adjust the textile ceilings in those cases in which these ceilings are fixed so low that they fail to reflect parity to the farmers and in those cases in which the ceilings are too high.

It is not my contention that the cotton mills are making a profit on all the articles which they manufacture, but it is my belief that on numerous articles which they are now manufacturing under ceiling prices they make a sufficient profit to pay the farmers the parity price for cotton. On the other hand, I am quite sure that there are items, especially low-priced goods used by the working people, with respect to which a larger number of the mills do not have ample funds, within the ceiling prices on the low-cost goods, to pay the parity price for cotton. For that reason, the ceiling fixed over those mills, which has been in existence for 2 years, depresses the price of cotton to a point definitely and injuriously below parity.

To anyone who knows anything about cotton, it is evident that the price of cotton cannot go to parity so long as O. P. A. ceilings do not reflect parity. It is true that the ceilings may reflect parity on some items. At present, mills which pay the lowest prices for cotton, however, tend to set cotton prices all along the line. This is true because there is a fairly ample supply of raw cotton. The mills whose ceilings reflect less than parity are forced to pay less than parity for their cotton. This, in effect, reduces the prices that the mills with more favorable ceilings pay. On an average, the price of cotton has been three quarters of a cent below parity for more than a year, and the mid-May price was a cent and a quarter below parity. As I pointed out a little while ago, the price of almost every other major commodity is well above parity. As a matter of fact, the index of farm prices is 114 percent of parity. Through the failure of cotton to reach and attain parity, Cotton Belt producers are losing more than $40,000,000 annually, and the O. P. A. says that the mills have ample funds to pay that amount. I cannot make sense out of O. P. A.'s refusal to adjust prices in those cases in which they admit their ceilings do not reflect parity. Let me put in the record a few instances of what is happening. There is no dispute about these figures. They have been used over and over again by the National Cotton Council without refutation from O. P. A. For example, the ceiling on combed yarn, made from 1 1/16-inch cotton, reflects a price 2.18 cents below parity for the raw cotton. This is $10.90 a bale. The ceiling on print cloth, drills, denims, chambrays, coverts, towels, ginghams, bed spreads, blankets, and corduroys is 1.71 cents below parity in the case of raw cotton. This is $8.55 a bale. I could give many other examples, but these illustrate my point and clearly show that this is a serious matter to the cotton industry.

The costs of producing cotton are mounting steadily, but the farmer's product on the average remains more than $5 a bale below parity. The O. P. A. is sitting on the lid, and in so doing is violating the law.

During this controversy, I have asked one question which has not yet been answered. Why does not O. P. A. raise the ceilings in the cases in which they are obviously too low, and reduce the ceilings in the cases in which they are obviously too high? If, as O. P. A. contends, the mills are able to pay parity, my amendment will not cost the consumers of this country a cent. O. P. A. can raise the ceilings that are too low, and lower those that are too high. That would be common sense and good administration. They have been urged to take such action. They have declined to do so, and I understand it has been asserted that they do not have the legal power to reduce ceilings when once established.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. ELLENDER. Will the Senator point out anything in his amendment which would cause the O. P. A. to take a different course with respect to fixing ceilings than what has been provided for?

Mr. BANKHEAD. A few moments ago I made a statement to the Senator from Wisconsin [Mr. WILEY] with reference to the point which the Senator has raised. However, if the Senator from Louisiana insists upon it, I will go into the subject now. I am willing to go into it now.

The escalator clause in this amendment requires the O. P. A. to estimate the cost of producing the different items of cotton. In making the estimate of cost it is provided that the parity price of cotton shall be deemed to be the current cost to the mills. As I have frequently stated, the present price is not up to parity. However, it is intended to require the cotton mills either to pay parity for their cotton, or, under the escalator clause, to have their ceiling prices correspondingly reduced. We feel sure that by the adoption of the amendment the cotton mills, friendly to the producers of all their raw materials, would cease to profit further by the windfall they have been enjoying for 2 years, and would prefer to raise the price of cotton to parity.

Mr. MALONEY and Mr. MURDOCK addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Alabama yield, and if so, to whom?

Mr. BANKHEAD. I yield first to the Senator from Utah.

Mr. MURDOCK. Would there not be a tremendous windfall to the mills on all their inventories of cotton if the proposed amendment were adopted?

Mr. BANKHEAD. There would not be. The mills have enjoyed the windfall for a long time. The amendment is proposed to end the windfall.

Mr. MURDOCK. The Senator has said that the mills have not been paying parity for cotton.

Mr. BANKHEAD. That is correct.

Mr. MURDOCK. The Senator's amendment provides, however, that in arriving at the maximum prices for textile products the O. P. A. must deem that the mills paid parity. Would not that amount to a windfall?

Mr. BANKHEAD. For 60 days the windfall would be the same as that which had been enjoyed.

Mr. MURDOCK. I am asking the Senator if there would not be a windfall immediately upon the adoption of the Senator's amendment, and continuing during the first 60 days.

Mr. BANKHEAD. I should like to ask the Senator if he would be willing to deprive the poor cotton farmer of benefits in order to deprive the mills for 60 days of the windfall they have always had.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. The Senator from Utah has spoken of inventories of cotton which the mills now have. I may say that there are practically no inventories of cotton at the mills today. The inventories are at the lowest point they have been for many years. The inventories of which the Senator speaks do not exist.

Mr. MURDOCK. Whatever the inventories may be, there would be a windfall, would there not?

Mr. EASTLAND. I doubt it.

Mr. MURDOCK. The Senator from Alabama has stated that there would be.

Mr. BANKHEAD. I said the mills would not be deprived of the windfall. It is a technical question, as the Senator well knows. It is a very insignificant item when considering the entire situation.

Mr. MURDOCK. The Senator asked me if I wished to deprive the poor farmers of the South of any advantage.

Mr. BANKHEAD. Yes.

Mr. MURDOCK. Unless I change my mind by reason of what I hear in the debate on this amendment, I intend to offer an amendment which would raise the loan value of cotton to 100 percent of parity. There would then be no question whatever of the farmers being benefited instead of the mills and the cotton exchanges throughout the country. I have asked the Senator if he is willing to benefit the cotton farmers and leave the cotton exchanges and the mills out of the picture, and vote for my amendment to give 100-percent parity loans to the cotton farmers of the South.

Mr. BANKHEAD. We will deal with that matter when the Senator offers his amendment. The Senator knows that I will not equivocate or dodge.

Mr. MURDOCK. I know the Senator never does.

Mr. BANKHEAD. However, the present is not the time to deal with the question.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. McCLELLAN. I wish to make an observation with reference to the windfall to which reference has been made.

If this amendment will do what it is hoped it will do, the issue will be whether the windfall shall be perpetuated by the inaction of Congress or the O. P. A., or whether we shall act and discontinue the windfall which has been enjoyed for the past 2 years. If the amendment is so worded that the consequences of it will be what are hoped for by the authors of it, we will discontinue the windfall. Otherwise, as the law now is, or as it is being administered, it will be perpetuated.

Mr. MURDOCK. I thought my question was a simple one. Whatever the inventories of cotton may be today, if they were bought for less than parity, and the effect of the amendment were to provide that in the computation of their prices the mills were assumed to have paid parity, I do not see how any Senator could deny that there would be a windfall during the first 60 days.

Mr. BANKHEAD. In other words, the position of the Senator is that in preference to a windfall for 60 days he would continue the windfall indefinitely.

Mr. MURDOCK. No; I want an amendment adopted during the consideration of the pending bill which will guarantee to the cotton farmers of the South 100-percent parity loans, and then no cotton exchange may rob the farmers of parity.

Mr. BANKHEAD. The Senator had an opportunity to present such an amendment during the course of a long series of hearings, but he did not do so. Others besides the Senator in the last few days have proposed such an amendment, when it was evident and clear that its object was to defeat the amendment contained in the bill.

Mr. MALONEY. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. MALONEY. I should like to preface my question by saying that I am very anxious to see the cotton farmer get full parity. Then I should like to say that no man can have a greater appreciation of the sincerity of the Senator from Alabama than I have; and I might add that there are no names or words more magic here than "Bankhead" and "cotton." I hope the Senator from Alabama will not consider this question presumptuous; it is not intended to be impertinent, and I think it is timely. I should like to know if the Senator from Alabama would accept as a substitute for his amendment the proposal just suggested by the Senator from Utah—a 100 percent parity loan.

Mr. BANKHEAD. Does not the Senator know? Is he merely trying to interrupt my argument?

Mr. MALONEY. I apologize.

Mr. BANKHEAD. I asked, Does the Senator not know?

Mr. MALONEY. I do not know.

Mr. BANKHEAD. I will state to the Senator that I will not accept it for the reasons which I shall state when we come to it.

Mr. MALONEY. I thank the Senator.

Mr. BANKHEAD. I knew the Senator from Utah knew because I told him.

Mr. WAGNER. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. WAGNER. In the last few days before the committee several suggestions were made, one by me that we adopt a resolution providing for a parity loan. The Senator from Alabama was not very kindly disposed toward that particular suggestion.

Mr. BANKHEAD. The Senator heard my statement, did he not, that I did not favor it?

Mr. WAGNER. I do not desire to interrupt the Senator.

Mr. BANKHEAD. If the Senator from New York and other Senators desire that I discuss the subject now, I have no objection to discussing it.

Mr. McKELLAR. Go ahead.

Mr. BANKHEAD. Very well.

Mr. President, there is a vast difference between the farmer taking his cotton to town, going to the cotton buyer, and getting 100 percent parity in money, and taking it to a warehouse, making all the necessary preliminary papers, carrying on the required operations, paying the costs incident thereto, and putting it in storage and then paying so much a month until the market absorbs the cotton.

As the Senator knows, there is another element that enters into this problem. Take a crop of 11,000,000 or 12,000,000 bales of cotton at $100 or $125 a bale, and talk about getting from the Treasury of the United States a sufficient amount of money to take over that entire cotton crop and put it in storage. It might involve a billion dollars' worth of cotton, and the money would have to be appropriated from the Treasury of the United States. The Senator is a fair man, and I know he will recognize the difficulties of one commodity relying upon a transaction of that kind; and, of course, other commodities might be added. There is a limit, especially in times of war when the Government is securing its money by selling bonds and other securities in order to prosecute the war. Why make such a suggestion, involving a staggering amount as a loan, when if the pressure were taken off and there were removed the ceiling over cotton, which we think is responsible for its price staying down for 2 years, in the due course of trade cotton would bring its price and the farmers would get their money? If, however, they are forced to put it in a warehouse and pay the storage charges and insurance, before very long the farmers would have a very substantial loss on every bale of cotton stored because the price could not go up. Heretofore when the farmers put their cotton in a loan it was because the price was down far enough to justify them in believing that they would not only ultimately get out of the market a better price for cotton than they would get under a loan, but there would always be a chance to make a profit by the enhancement of the price of his cotton. No such opportunity as that is afforded the farmer when he puts his cotton into a loan at the ceiling price; there is then no chance for it to go up, not even to go up sufficiently high to cover his charges.

Why should the cotton farmer be treated in that way and be forced to assume obligations which lessen his assets, when the spirit of the law—indeed, the letter of the law—is that ceilings must not be fixed upon any processed agricultural commodity that do not reflect full parity to the producer?

That is what the Senator proposes to do. That is one reason I am opposed to it. It is not a new position for me. The loan program was incorporated in the Stabilization Act last year at the suggestion of the President of the United States. It had been carried before, as most of us know, in another act, simply a loan act, but it was put in the Stabilization Act at his suggestion, and it is one of the best things he has done for agriculture, providing, as it does, that the loans shall continue as mandatory loans for 2 years after the war ends.

I was called into a small conference particularly to discuss the cotton problem. As I recall, the chairman of the committee, former Senator Prentiss Brown, and the Senator from Kentucky [Mr. BARKLEY] were present.

Mr. WAGNER. Does the Senator mean a conference at the White House?

Mr. BANKHEAD. Either at the White House or at the office of Senator BARKLEY. The Senator from New York was there.

Mr. WAGNER. Yes.

Mr. BANKHEAD. It was suggested that there be a 100-percent-cotton loan.

(At this point a message from the House of Representatives was received, and Mr. BANKHEAD yielded to Mr. HATCH to present a conference report on Senate Joint Resolution 133, the debate and action on which appear at the conclusion of Mr. BANKHEAD's remarks.)

Mr. BANKHEAD. Mr. President, I assume, from the statement of the Senator from Utah about the exchanges, that he would favor closing all exchanges, the wheat, cotton, and all the other exchanges.

Mr. MURDOCK. Inasmuch as the Senator has mentioned my name, let me say that I do not wish to see anything done that would injure the cotton farmer or any one else who has to do with the cotton industry of the South.

Mr. BANKHEAD. I am glad to hear the Senator make that statement. I have not seen him vote that way many times.

Mr. MURDOCK. I wish the Senator would point to one vote, except on the amendment we are considering, when I have not voted with the South on questions affecting cotton.

Mr. BANKHEAD. I do not know of any vote on cotton we have had.

Mr. MURDOCK. In the more than 12 years I have been a Member of Congress cotton has been frequently before it, and I have never voted contrary to the interests of the southern cotton growers.

Mr. BANKHEAD. Cotton has only been before us in connection with wheat, and corn, and the other basic commodities.

Mr. MURDOCK. I do not know why the Senator should assume that merely because I do not happen to agree with his amendment, I desire to destroy anything. What I want is to be sure that if the people of the United States are to be assessed for parity payments on cotton, the cotton farmer will derive the benefit instead of the mills and the exchanges.

Mr. BANKHEAD. Very well. We will consider that point now. In the first place, the people of the United States are not going to be assessed for parity unless there is adopted some plan such as that of the Senator, under which he wishes to pay them 100 percent on a loan, and lock the cotton up in a warehouse.

Mr. BUTLER. Mr. President, I should like to have the Senator from Alabama yield to me, as I desire to ask the Senator from Utah a question with reference to the remark he just made. He said that he was perfectly willing the farmer or producer should get the parity price, but he did not want any processor or middleman, or words to that effect, to get anything.

Mr. MURDOCK. I did not say that. The Senator is misconstruing my language. I cannot understand why Senators want deliberately to misconstrue the statements of a colleague here on the floor of the Senate. I do not any more want to injure an exchange or a mill than does the distinguished Senator from Nebraska, but I do not want to put a price on the people of the United States, when parity is deemed to have been paid to the cotton farmers, when they do not get it, but it is held by the exchanges or the mills.

Mr. BANKHEAD. Then the Senator should vote for the amendment. That is exactly what we are trying to accomplish.

Mr. MURDOCK. If the Senator can convince me that that is what will happen, I shall vote for his amendment.

Mr. BANKHEAD. As the old hymn says:

While the light holds out to burn, the vilest sinner may return.

Mr. MURDOCK. I am interested in the Senator's statement, and I shall sit here to the end of it.

Mr. BANKHEAD. I appreciate that.

Mr. BUTLER. I am sorry if I misunderstood the remark the Senator from Utah made, and he does not need to answer the question, but it seems to me that the processors, the merchandisers, those who deliver service—I mean real service—are entitled to a share of what the commodity ultimately brings, just as is the man who plants; and I am one of those who plant and raise commodities. I was rising to make objection to the understanding I had of the remarks of the Senator from Utah.

Mr. WHERRY. Mr. President, will the Senator from Alabama yield while I ask a question of the Senator from Utah?

Mr. BANKHEAD. I yield.

Mr. WHERRY. I was very much interested in the statement the Senator just made about the farmer getting the parity price. I agree with him. I am wondering whether he would be in favor of continuing to pay the consumer's subsidy, which in the case of meat goes to the processor, which in turn goes to the consumer, but does not go to the producer, and therefore our cattle producers are not getting the parity price.

Mr. MURDOCK. Mr. President, will the Senator from Alabama yield so that I may answer the question?

Mr. BANKHEAD. I yield.

Mr. MURDOCK. I happen to be in the cattle business in a small way, and I happen to know that the cattle producer is not suffering greatly as a result of present prices. This is what I favor: After the experience of the O. P. A. officials with food subsidies, I am willing to take their word that it is cheaper for the people of the United States to pay a subsidy rather than raise prices all along the line.

Mr. WHERRY. If the Senator from Alabama will yield for another comment, that does not answer the question I asked the Senator from Utah, and I am very serious.

Mr. MURDOCK. I also am serious.

Mr. WHERRY. It is my feeling that not a dime of the consumer subsidy that is paid to the processor of meat reaches the producer, and because of that fact the cattle producer is not getting for his product within a dollar and a half a hundred of what he should get under the Stabilization Act. I am asking whether the Senator feels that we should continue to pay the consumer subsidy on meat, when that subsidy does not go to the producer.

Mr. MURDOCK. The only subsidy in which I am interested is the subsidy that is paid under the language of the Price Control Act, and that subsidy is limited to boosting production. If the men administering the O. P. A., after 2 years of experience—men like Fred Vinson, men like ex-Justice Byrnes, of the Supreme Court, and men in the O. P. A. who have handled this matter for 2 years—tell me that, in their opinion, it is cheaper to pay the subsidy than to raise the price of meat, I am willing to take a chance on their judgment.

Mr. WHERRY. The only authority given to Judge Vinson, whom the Senator has mentioned, to pay the consumer subsidy on meat is the authority in the act behind the producer's subsidy which the Senator just mentioned, is it not?

Mr. MURDOCK. The act reads as I stated, and I think it is susceptible of the construction which has been placed on it by the O. P. A. If it were not susceptible of that construction, then the courts would be the place to which to go for an interpretation of the act, and the interpretation would be made by those who have a right to make it.

Mr. WHERRY. I think we should come to the rescue of farmers, such as the cotton farmer, and see to it that they get parity. It was never the intention of Congress, in the Price Stabilization Act, to permit a directive issued by one of the Government departments to set a maximum ceiling price lower than parity or what the support price was, or what the product brought any time between January 1 and October 15, 1942. Yet, in the face of that law, directives have been issued which have reduced the parity price, not only of one commodity but of many, and those who were supposed to get it have not gotten it because of the interpretation of some of the heads of the departments.

Mr. MURDOCK. I do not agree with that statement.

Mr. BANKHEAD. They have fixed ceiling prices on cotton which have forced the price below parity.

Mr. WHERRY. I think the distinguished Senator from Utah made the statement here, and I take it at face value, that he wants the farmer to get the parity price 100 percent, and I agree with him. That is why I think Congress should take some action. We have to say what Congress means, that the prices are not to go below the ceiling price, that the officials have to come up with a support price. If the pending amendment would do that in connection with cotton, I think it is one way in which Congress can pass legislation that will stop a directive being issued that would set a ceiling price lower than the parity price that was intended by the Stabilization Act.

Mr. BANKHEAD. Mr. President, I submit three amendments to the pending bill, which I ask to have printed and to lie on the table. I have previously spoken to the chairman of the committee concerning the amendments.

The PRESIDING OFFICER. Without objection, the amendments will be received, printed, and lie on the table.

Mr. BANKHEAD. If the Senate is about to take a recess now, I wish to have it understood that I shall have the floor when the Senate reconvenes tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BANKHEAD. I should like very much to appeal to Senators not to proceed immediately after the reconvening of the Senate tomorrow with discussion

of various subjects which occupies so much time.

Mr. BUTLER. Mr. President, I do not wish to impose on the good nature of the Senator from Utah [Mr. MURDOCK] at this time, but when the debate is resumed tomorrow I wish he or some other Senator who is not in agreement with the committee amendment now under consideration, would come prepared to propose a plan of applying the consumer subsidy to the problem which is now under discussion.

Mr. MURDOCK. Mr. President, if the Senator is directing his remarks to me, my answer is that the Senator has the same right that I have as a Senator. He is a very distinguished and able Senator, and if the type of legislation he has suggested is needed, then I ask him why he does not present it himself? Why should he "let George do it" when he knows just what should be done?

Mr. BUTLER. I want some Senator who opposes it to present something constructive in place of the amendment which is under consideration. If a consumer subsidy is good for the beef producer and the dairy farmer, a consumer subsidy ought to be good for the rest of the people of the country who are wearing cotton clothes; but it simply will not work. I am not proposing it, because I do not believe in a consumer subsidy, anyway, but if it is good enough for the farmers of the West it ought to be good enough for the farmers of the South. So I ask that Senators who are opposed to the Bankhead amendment submit a consumer subsidy plan to take the place of the plan proposed by the so-called Bankhead amendment.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. The distinguished Senator from Nebraska is absolutely correct. The War Production Board says it is absolutely essential that the production of textiles be increased; that, if textile production is not increased to the levels of 1942, it will lead to serious military difficulties. I think Senators who oppose the pending amendment should offer a plan which will increase textile production to meet the dire war needs of this country. If the pending amendment will not do it, Senators who oppose it certainly should have something to offer in its place.

Mr. WHITE. Mr. President, I understood the Senator from New York to state that an agreement had been made to take a recess now until tomorrow.

Mr. WAGNER. Yes.

Mr. WHITE. The Senator said the agreement had been made, but I do not know what action has been taken on it. Has an order for a recess been entered?

The PRESIDING OFFICER. No order to that effect has been entered.

Mr. WHITE. I have no objection to a recess being taken at this time in view of the fact that the Senate has been in session for a substantial length of time and that the Senator from Alabama has been talking at some length, but I wish to express the hope that we make as much speed as is possible with the pending legislation. I do not feel that up to now it has moved with real celerity.

Mr. WAGNER. What would the Senator from Maine suggest be done which would lead to greater rapidity of action?

Mr. WHITE. I am not suggesting anything that would lead to greater rapidity of action. I express the pious hope, however, that all of us may do what we can to bring about a speedy determination of consideration of the proposed legislation, and I leave the matter now with that expression of hope.

Mr. WAGNER. May I suggest that we have less talk. Is that the suggestion which is also made by the Senator from Maine?

Mr. WHITE. I do not suggest that any Senator talk less than he desires to, but we are now proposing to close the day's session somewhat earlier than usual, as we did yesterday. I think we could perhaps sit longer each afternoon, and I hope we proceed more rapidly so that we can conclude the pending legislation before the week terminates. I am not complaining about anyone in particular. I am simply offering a general observation.

MESSAGE FROM THE HOUSE

During the delivery of Mr. BANKHEAD's speech,

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 133) to extend the time limit for immunity.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore:

H. R. 2928. An act to amend the act entitled "An act to fix the hours of duty of postal employees, and for other purposes," approved August 14, 1935, as amended; and

H. R. 4464. An act to increase the debt limit of the United States.

EXTENSION OF TIME LIMIT FOR IMMUNITY IN THE CASE OF CERTAIN OFFICERS—CONFERENCE REPORT

Mr. HATCH. Mr. President, will the Senator from Alabama yield?

Mr. BANKHEAD. I yield.

Mr. HATCH. Mr. President, I understand a message has just come over from the House of Representatives with the conference report on the so-called immunity joint resolution.

On behalf of the Senate conferees I present the conference report at this time and ask that it be now considered.

Mr. DANAHER. Reserving the right to object, I ask a moment to glance at the report.

Mr. HATCH. Of course, the Senator may object, if he desires to do so.

Mr. DANAHER. I want to ascertain whether the conference report as agreed to carries section 2 of the joint resolution as passed by the Senate.

Mr. HATCH. It does.

Mr. DANAHER. I have no objection.

The PRESIDING OFFICER. The report will be read.

The report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 133) to extend the time limit for immunity, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the amendment of the House, insert the following:

"That effective as of December 7, 1943, all statutes, resolutions, laws, articles, and regulations, affecting the possible prosecution of any person or persons, military or civil, connected with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, that operate to prevent the court martial, prosecution, trial or punishment of any person or persons in military or civil capacity, involved in any matter in connection with the Pearl Harbor catastrophe of December 7, 1941, or involved in any other possible or apparent dereliction of duty, or crime or offense against the United States, are hereby extended for a further period of six months, in addition to the extension provided for in Public Law 208, Seventy-eighth Congress.

"SEC. 2. The Secretary of War and the Secretary of the Navy are severally directed to proceed forthwith with an investigation into the facts surrounding the catastrophe described in section 1 above, and to commence such proceedings against such persons as the facts may justify."

And the House agree to the same.

Amend the title so as to read: "Joint resolution to extend the statute of limitation in certain cases."

And the House agree to the same.

CARL A. HATCH,
ALBERT B. CHANDLER,
HOMER FERGUSON,
Managers on the part of the Senate.

HATTON W. SUMNERS,
FRANCIS E. WALTER,
CLARENCE E. HANCOCK,
Managers on the part of the House.

Mr. HATCH. Mr. President, some Senators have asked that I explain the conference report. This is the report which relates to the extension of the statute of limitations, commonly referred to as the Admiral Kimmel and General Short matter. The Senate passed the joint resolution yesterday, and the conferees met this morning. After a conference with the House conferees we agreed in substance upon the Senate bill, with this difference: The House measure as it passed yesterday provided for 3 months' extension. The Senate bill passed yesterday provided for 1 year extension. Manifestly the House insisted upon 3 months, the Senate conferees insisted upon the year, and as a compromise we agreed upon a 6 months' extension. The other matters were merely clarifying.

Mr. WHITE. Was the action of the Senate conferees unanimous?

Mr. HATCH. It was unanimous.

Mr. DANAHER. While the Senator is explaining the conference report, he will make clear, I am sure, that the con-

ferees have retained into the conference measure section 2, which we had written into the bill in the first place.

Mr. HATCH. That is correct. The only change made was to strike out the word "discretion" and the word "thereafter," so that the action taken in the way of filing proceedings shall be such action as may be justified by the facts. That is the only change.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the report was considered and agreed to.

AUTHORIZATION TO SIGN SENATE JOINT RESOLUTION 133 DURING RECESS

Mr. FERGUSON. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. FERGUSON. I understand that the Senate is about to take a recess until to-morrow. I ask unanimous consent that the Presiding Officer of the Senate be authorized during the recess of the Senate to sign enrolled Senate Joint Resolution 133, because it is essential that the joint resolution be presented to the President today for signature. The joint resolution deals with the extension of the statute of limitations in connection with court-martial and civil prosecutions which may arise out of the Pearl Harbor catastrophe.

The PRESIDING OFFICER. Without objection, it is so ordered.

After the conclusion of Mr. BANKHEAD'S speech,

I AM AN AMERICAN—ARTICLE BY WALTER W. FULLER

Mr. JACKSON. Mr. President, some 3 years ago Walter W. Fuller, an eminent writer, editor, and traveler, now on the editorial staff of the Detroit News, wrote a column entitled "I Am an American." A short time ago it was reprinted, and since this is invasion week, what Mr. Fuller wrote in the article comes back to me, and I think it not inappropriate that it be given further recognition. I ask unanimous consent that the article be printed in the body of the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

I AM AN AMERICAN

(By Walter W. Fuller)

I am an American. For more than 300 years my ancestors lived on and loved the soil that is the United States. I would, if necessary, give my life for my country, if it would guarantee the preservation of her democratic freedom for my children and their children.

I am an American. I love the great Nation in which I was born. I love its immense expanse of fertile fields, its bustling, smoke-grimed cities, its peaceful villages, its picturesque crossroads settlements, its rushing streams and placid lakes, its snow-capped mountains, its towering forests, its farms, its seacoasts, and its vast network of man-made highways.

I have lolled on the rock-bound coast of Maine, and peered out over the vast expanse of emerald water that is the Atlantic Ocean. I have tramped through the New Hampshire hills and have basked in the brilliant sunshine on the sandy shores at Miami Beach. I have skirted the Columbia River, watched the boats on Puget Sound, and cruised around the Great Lakes. I have gawked at the skyscrapers in New York and smirked at the snobs in Hollywood.

I have climbed Lookout Mountain at Chattanooga, and strolled on the battlefield at Gettysburg. I have looked upon the beauties of Washington and slept high in the wilderness of Yellowstone Park. I have tasted the delectable viands in New Orleans, have stood in the shadow of the Alamo at San Antonio, and have wandered through the Boston Common. I have seen and done all this and more in America, yet I do not love Maine more than California, Michigan more than Florida, Oregon more than Texas. I do not yearn for Seattle or Houston or Atlanta. They're all mine, for I am an American. I love my country—all of it!

I am an American. I have friends who are Italian, German, Chinese, Polish, Scotch, Jewish, Irish, Greek, French, Swedish, and English. I know those of other nationalities, too, who have become naturalized citizens of the United States. All anyone can ask is that they be good Americans. That surely is very little to expect. You see, I am an American, and I take great pride in it, and I feel all others living here should be proud to be able to call themselves Americans. They should thank God they are privileged to live in the United States, as I do.

I am an American. I have visited the clip joints in the Montmartre, and thumbed through the bookshops along the Seine. I have watched the changing of the guards at Buckingham Palace and listened to the radicals rant in London's Hyde Park.

I have traveled the canals at Amsterdam, and puffed my way up the Alps at Lucerne and Montreaux. I have awakened to the clanging of innumerable church bells in Cologne, and have cruised down the Rhine to Wiesbaden. I have crossed the English Channel on a storm-tossed steamer, and have sat in the gathering dusk along the River Clyde.

I have sauntered along the Prado in Habana in the moonlight, have viewed the Canadian Rockies at Banff and Lake Louise. I have visited the gambling casino at Agua Caliente, and have joined the strollers on Dufferin Terrace in Quebec. I have visited all these places—and more—but I still love my country best.

I am an American. If you don't like me and my country, for what we are, then be on your way. There's no place for you around here. If you don't like us and the American way, then pack your bags, gather up your scorn and scram back whence you came.

I am an American. I believe there are millions of aliens who have come to these shores during the past 2 decades who also are as truly fine Americans as those who have the traditions of the country inbred. They have joined together to revel in their newly found prosperity, security, and freedom, and to help make this the greatest Nation the world has ever known.

I am an American. I am proud of my country and its people. To you who would betray this great land of liberty, this vast area of vast opportunity, may I not ask you to join with all good Americans, in building, instead of destroying, in preserving instead of ruining. Think hard before you sabotage a factory, incite a riot, bomb a bridge, dynamite a tunnel, set fire to a steamship, or attempt to carry on any of your other proposed nefarious misdeeds. Ponder your future because your game is a losing one. You are certain to fail because your cause is unjust.

I am an American. If America goes down I want to go with her. If she is to be destroyed, then I want to be destroyed. But America is not going down. I am confident that the Republic of the United States of America can stand for hundreds of years to come. I am convinced that the United States is going onward and upward, despite the ill-advised acts of anarchists, arsonists, Communists, Nazis, Fascists, and saboteurs.

I am an American. I am certain that America and Americans will live in prosperity and freedom long after the dictators of the world have been ground to dust.

I am positive that America—the United States I love—with the help of all truly patriotic citizens, will rise above her present multitudinous problems to a greater land than ever before. So be it!

EXECUTIVE SESSION

Mr. WAGNER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

The following favorable reports of nominations were submitted:

By Mr. BILBO, from the Committee on the District of Columbia:

J. Francis Reilly, of Maryland, to be a member of the Public Utilities Commission of the District of Columbia for the term of 3 years from July 1, 1944, vice Gregory Hankin.

By Mr. CHANDLER, from the Committee on Military Affairs:

Sundry officers for appointment, by transfer, in the Regular Army.

By Mr. CONNALLY, from the Committee on Foreign Relations:

Richard F. Boyce, of Michigan, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul general;

John J. Meily, of Pennsylvania, now a Foreign Service officer of class 4 and a secretary in the Diplomatic Service, to be also a consul general;

James E. Henderson, of California, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul;

James Espy, of Ohio, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul;

Paul H. Pearson, of Iowa, now a Foreign Service officer of class 7 and a secretary in the Diplomatic Service, to be also a consul; and

Franklin Hawley, of Michigan, now a Foreign Service officer of class 8 and a secretary in the Diplomatic Service, to be also a consul.

By Mr. McKELLAR, from the Committee on Post Offices and Post Roads:

Several postmasters.

The PRESIDING OFFICER (Mr. TUNNELL in the chair). If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, on the Executive Calendar is the nomination of Vesta T. Remont, to be postmaster at Cut Off, La. I ask unanimous consent that that nomination be recommitted to the Committee on Post Offices and Post Roads.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McKELLAR. I now ask that the remainder of the postmaster nominations on the calendar be confirmed en bloc,

and that the President may be immediately notified.

The PRESIDING OFFICER. Without objection, the remainder of the postmaster nominations on the calendar are confirmed en bloc, and, without objection, the President will be notified immediately.

That completes the calendar.

PUBLIC UTILITIES COMMISSION OF DISTRICT OF COLUMBIA

Mr. BILBO. Mr. President, earlier today the nomination of J. Francis Reilly, of Maryland, to be a member of the Public Utilities Commission of the District of Columbia, was reported from the Committee on the District of Columbia. I ask for the present consideration of that nomination.

Mr. WHITE. Mr. President, reserving the right to object, is there any pressing need for immediate action on the nomination? Why should it not go over in the ordinary course?

Mr. BILBO. It could go over if desired.

Mr. WHITE. I do not want to object if there is any substantial reason for immediate confirmation of the nomination.

Mr. BILBO. There has been some insistence that the nomination be acted on immediately. I have received quite a number of calls respecting this nomination, and I thought it might be well that action be expedited.

Mr. WHITE. I shall ask that the nomination go over until tomorrow, or to the next session of the Senate, because I do not know any persuasive reason for short circuiting the Senate rule.

Mr. BILBO. Very well.

RECESS

Mr. BARKLEY. As in legislative session, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 30 minutes p. m.) the Senate took a recess until tomorrow, Thursday, June 8, 1944, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 7 (legislative day of May 9), 1944:

POSTMASTERS

DELAWARE

Joseph Harper Cox, Seaford.

OREGON

Edward E. Vail, Ashland.
Florence Root, Boardman.
Mary E. Horn, Jennings Lodge.
Nettie J. Neil, Marcola.
Sister Rose Mercedes Armstrong, Marylhurst.
Arthur E. Lund, Warren.
Alice Jean Matteson, Wendling.

PENNSYLVANIA

George B. Wellington, La Belle.
Arthur J. Haught, Lemont Furnace.
Chauncey J. Cleland, Marion Center.
Anna M. Fleming, Merrittstown.
Eugene S. Colborn, Mill Run.
Frank E. Kiefer, Mount Carmel.

VIRGINIA

William W. Argabrite, Blacksburg.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JUNE 7, 1944

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Just a word before we pray.

Some of our boys died last night in the crusade for freedom and humanity; some of our boys died last night who had looked through the glimpse of the future and claimed it as their own; some of our boys died last night who dreamed of a happy home and a circle of loved ones; some of our boys died last night in the front row of battle for the country they adored; some of our boys died last night beneath the skies of embattled France; some of our boys died last night for you and me that liberty may not die out of the human breast.

Let us pray together.

God is our refuge and strength, a very present help in trouble. Therefore will not we fear, though the earth be removed, and though the mountains be carried into the midst of the sea. He maketh wars to cease unto the end of the earth. Be still and know that I am God: I will be exalted among the heathen, I will be exalted in the earth.

Merciful and compassionate Father, Thou who art light to all in darkness and love to all under the yoke of hate, forgive us our sins, and grant that the fountain of cleansing in our country may be opened afresh. By prayer, meditation, and alone with Thee, we pray for an outrush of spiritual power that will work marvels in lives transfigured and in nations reborn.

We pray that the glory of the Lord may shine on Thy people of every name; make them strong in the dark days ahead, rooted in the stability of faith until peace and rest shall be won. O lead the struggle to emancipate all people in bondage and redeem the sacrifice and toil of the noble living and the noble dead.

"Break every weapon forged in fires of hate,
Turn back the foes that would assail Thy gate,
Where fields of strife lie desolate and bare
Take Thy sweet flowers of peace and plant them there.

"Come, blessed peace, as when in hush of eve
God's benediction falls on souls that grieve.
As shines the star when weary day departs,
Come, peace of God, and shine in every heart."

Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Miller, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:.

On June 1, 1944:

H. R. 329. An act to authorize the Secretary of the Interior to incur obligations for the benefit of natives of Alaska in advance of the enactment of legislation making appropriations therefor;

H. R. 2105. An act extending the time for repayment and authorizing increase of the revolving fund for the benefit of the Crow Indians;

H. R. 2332. An act for the relief of Christian Wenz;

H. R. 2408. An act for the relief of Clarence E. Thompson and Mrs. Virginia Thompson;

H. R. 3114. An act for the relief of Ruth Coe;

H. R. 3028. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn.; and

H. R. 4054. An act to extend the times for commencing and completing the construction of a bridge across the Calcasieu River at or near Lake Charles, La.

On June 2, 1944:

H. R. 1628. An act for the relief of John Hirsch;

H. R. 1635. An act for the relief of William E. Search, and to the legal guardian of Marion Search, Pauline Search, and Virginia Search;

H. R. 2008. An act for the relief of Mrs. Mae Scheidel, Mr. Fred Scheidel, Mr. Charles Totten, and Miss Jean Scheidel;

H. R. 2507. An act for the relief of Reese Flight Instruction, Inc.; and

H. R. 2757. An act for the relief of Margaret Hamilton, Mrs. Catherine Higgins, Mrs. Rebecca Sallop, and Mrs. Dora Projansky.

C. I. O. MEMBERSHIP DEMANDED OF DISCHARGED WAR VETERANS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, America is thrilled today with the progress our brave men are making on the western front in Europe. They are giving glorious accounts of themselves.

But I certainly hope they do not read today's papers from America, because they will find this article, which appeared in the Washington Post this morning:

DETROIT, June 6.—The United Automobile Workers (C. I. O.) has asked the General Motors Corporation to fire five war veterans who belonged to the union before entering service, but failed to maintain their union membership after getting their old jobs back on discharge from the armed forces.

I hope those precious boys who are fighting, bleeding, and dying for this country do not read that report of Sidney Hillman's racketeering gang shaking down their discharged comrades for money with which to corrupt the elections in America and to destroy the Government they are fighting for before they can return to their jobs and earn their daily bread.

God forbid that they should read that report in this tragic hour of their supreme sacrifice.